

## EXTENSIONS OF REMARKS

BLOODY SUNDAY II IN  
BELFAST—A STORY TOLD

## HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. BIAGGI. Mr. Speaker, on September 6, I conducted a meeting of the Ad Hoc Congressional Committee for Irish Affairs specifically to get a first-hand account of the tragedy which took place in Belfast Northern Ireland on August 12.

As I understand the situation a group of Americans totaling more than 100 were on a trip to Belfast under the sponsorship of the Irish Northern Aid Committee based in New York City. The delegation was to be led by NORAI's Publicity Director Martin Galvin. However in an order handed down by the British Government on July 28, Galvin was denied admission into Northern Ireland on the basis of a speech he had given in April where he was alleged to have expressed his "encouragement" over an event in which some British security force members were killed.

On August 12, a rally was called where it was announced in advance that Martin Galvin who by this time had entered the north illegally would appear. A crowd estimated at more than 2,000 including many in the American delegation gathered peacefully in anticipation of the Galvin appearance. Galvin did appear and just as soon as he was visible, the British security forces who were at the rally charged into the crowd. It is tragically ironic that all this took place even though Galvin had every intention of being arrested and planned to offer no resistance.

What ensued, Newsweek magazine called one of the worst scenes of police violence seen in the province in years. When it was over more than 30 rounds of plastic bullets were fired into a largely peaceful and unarmed crowd. One of these bullets fatally wounded one Sean Downes a 22-year-old bricklayer who was at the rally with his wife and 18-month-old child. Numerous other people were injured including some of the Americans.

I reiterate my belief that there was some culpability on both sides—including the illegal entry into Northern Ireland by Martin Galvin. However it is clear to me that the excesses of the British security forces were far greater in this instance.

At the September 6 meeting of the Ad Hoc Committee both the Department of State and the British Embassy declined the invitation to testify. In the case of the Department of State the Deputy Assistant Secretary for Congressional Relations Jim Montgomery advised my office that the State Department "notes that these matters fall under the jurisdiction of the House Foreign Relations Committee." As a result—until such time as this committee acts—the Department's policy was not to appear before any other congressional group or organization.

I was disturbed not only at this snub by the State Department but also their failure to even file a protest with the British Government over the police action which left American citizens injured. I am also concerned over their failure to support House Concurrent Resolution 21 which I offered to express the opposition of Congress to the use of plastic bullets in Northern Ireland.

I would like to enter into the RECORD the statement of Martin Galvin.

STATEMENT OF MARTIN GALVIN, AN AMERICAN  
OF IRISH ANCESTRY AND A RESIDENT OF NEW  
YORK CITY

Mr. GALVIN. Thank you, Congressman Biaggi and members of the Ad Hoc Committee on Irish Affairs. My name is Martin Galvin. I am an attorney, age 34. I am currently employed by New York City as an administrative hearing judge with the Department of Sanitation. I was formerly an assistant district attorney in the Bronx, and before that an assistant corporation counsel. I was born in New York City, as were both my parents. Like many Americans, I feel a deep interest in my ancestral homeland, which is Ireland.

Since 1970, I have visited Ireland an average of once a year. What I saw during these visits both shocked and angered me, as indeed I believe it would shock and anger any American. I saw British rule being enforced by 30,000 members of the British Army, the Royal Ulster Constabulary, and the Ulster Defense Regiment, who saturate nationalist areas, engage in shoot-to-kill assassinations, systematically conduct gunpoint interrogations of Irish citizens and gunpoint invasions and searches of Irish homes.

The terror of such daily encounters is highlighted by incidents such as the first "Bloody Sunday" in January 1972, when the British murdered 14 innocent civil rights marchers. Religious discrimination is deliberately used to create a privileged status for one part of the population, with the effect of denying employment or even the realistic hope of employment, decent housing, or redress through the political process for Irish nationalists. The legal system, which should serve as a guarantee of fundamental liberties, has been manipulated by the British

through a succession of procedures such as internment without trial, followed by non-jury courts, confessions extracted under torture, and informer show trials. The legal system itself has become simply a conveyor belt for the disposal of unwanted Irish nationalists.

As an American, I have always believed that a state based upon the denial of fundamental liberties, institutionalized violence and religious discrimination can only produce conflict. Such, indeed, has been the reaction in Ireland. Upon my completion of law school, I joined a number of Irish societies, including the Irish Northern Aid Committee, the Ancient Order of Hibernians, the Emerald Societies, and the Irish People Newspaper. It has always been my belief that bringing Americans an accurate view of British rule in Ireland would generate a public demand for American diplomatic, political, and moral pressure upon the British to withdraw from Ireland.

A major barrier to bringing a true picture to Americans was the denial of visas to all prominent members of Sin Fein through British influence upon our State Department. Sin Fein is the legal political party which is opposed to British rule in Ireland.

Because of my activities in Irish-American organizations, I was asked to speak at the interment rally in Belfast in August 1979 and have made a series of public speeches in the north of Ireland, the most recent being in April of this year. On all such occasions, I espoused very strong opposition to British rule in Ireland, a viewpoint that was shared by all speakers on the platform, including elected government officials from London. All of these speeches were given without incident, including speeches made in 1982 and 1983 at the very same August interment rally in Belfast at which I was invited to speak on August 12th of this year.

In August of 1983, I organized a tour of some 80 Americans drawn from 17 States. These Americans were not members of any particular committee, nor did they share any particular political perspective on Ireland, save the desire to see the north of Ireland and judge the facts for themselves. Participants included an elected State assemblyman from Massachusetts, several college professors, a retired New York State police officer, and members from varied walks of life. The tour was featured as part of a Public Broadcasting System documentary and generated much factual news coverage in the United States, Britain, and Ireland.

It should be noted that while the tour was in progress, two young Irishmen—Martin Malone, age 17, and Thomas Riley, age 21—were murdered in separate incidents by British Crown forces. There were claims that the British and Loyalists had not been invited to address the delegation. However, when Loyalists were invited to address us, they rejected that invitation; and an invitation from British Minister Nicholas Scott, extended to the delegation, was withdrawn by him after we had accepted.

The tour generated publicity which was embarrassing for the British and particularly for the United States. This year, under

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the auspices of the Irish People Newspaper, I organized a larger tour involving 130 participants drawn from 21 States. I formally invited British Secretary James Prior and a number of Loyalist politicians, including Ian Paisley and Peter Robinson, to address the delegation under any format acceptable to themselves. It was then reported in the Belfast Telegraph, less than one week before I was due to depart for Ireland, that instead of responding to these invitations, Ian Paisley's deputy, Peter Robinson, had requested that I be banned from the north of Ireland because of the unfavorable publicity to the British generated by the 1983 tour.

The request was made to British Secretary James Prior. It must be noted that both men had personal motivations for the ban, and that both had conducted publicity tours in the United States, which I, in my capacity with Irish Northern Aid, had countered by asking for equal time and appearing in opposition to them on the media. In Mr. Prior's case, I was able to gain a copy of his agenda and to have Sin Fein representatives Owen Carron and Danny Morrison confront him in debate in various cities.

On Saturday, July 29th, approximately 72 hours before I was due to depart for Ireland with the delegation, I was advised by members of Sin Fein and then by a series of journalists that a visa ban had been signed at James Prior's request. I was never served with that order and have not been served as of today. Journalists advised me that there was no appeal from that order and that it was being defended by taking out of context one word, the word "encouraged", from one of my speeches last April in Ireland.

It was clear to me that this ban was simply an act of censorship, designed to intimidate me from speaking out against British injustice and also to intimidate all other Americans who might desire to speak out against British rule with the threat of a ban. Either I could accept the ban and remain silent about the grievous wrongs inflicted upon the Irish people by the British, or else I felt I could engage in an act of civil disobedience to what I regarded as an immoral act of censorship. I, of course, chose what I viewed as the only honorable course of action.

I entered Southern Ireland legally and crossed the border, making a public appearance in Derry, where I was photographed in front of a memorial to Amon Bradley, a young Irishman who had been murdered by the British army in 1982. The following day, British troops painted obscenities on that memorial.

On Sunday, August 12th, thousands of people assembled at the annual anti-internment rally, at which I had spoken in 1979, 1982 and 1983 without incident. A large delegation from the Troops Out movement, an anti-war movement within Britain, were in attendance, as were 130 members of the American delegation which I had organized. The area was entirely surrounded by the British army and Royal Ulster Constabulary. I entered the area with the understanding that the only basis for taking me into custody was the minor violation of being there without a visa, which does not even rise to the level of a criminal offense.

Prior to my arrival, several protests from congressmen had been made on my behalf, including that spearheaded by Congressman Biaggi. Cameras from several American, British, and other international news outlets were present as a result of the publicity given my predicted appearance. It was my belief that I would be permitted to speak

and then taken into custody after the crowd dispersed, to be deported to Southern Ireland or to the United States. I was prepared to be taken into custody. Neither I nor anyone on my behalf intended to offer any resistance to the British.

It was my feeling that the arrest itself, made after I had spoken out against British rule, would highlight the fact that the British were trying to conceal the truth from the American public and to censor those who would attempt to speak out on behalf of Irish national freedom. Jerry Adams, the elected member to the British parliament from that area of Belfast, called me to the platform. What happened next was seen by anyone who watched the television news during that period.

Jerry Adams asked the thousands of men, women and children, including the 130 Americans, to sit down in the street so that there could be no rioting, no provocation for the British to engage in an attack. At this point, the inconceivable happened. As those people sat down in the street, with their backs to the British army and the Royal Ulster Constabulary, the British commander ordered a charge. Armored vehicles and Land Rovers ploughed into the crowd, injuring many people, including several Americans, one of whom was Dr. Martin Abend who will testify at this proceeding.

The British began to fire plastic bullets at close range into the crowd. They used clubs to injure other men, women, and children, to beat them out of the way. People screamed, "Don't shoot." Members of Sin Fein shouted at me to get off the platform and shoved me. I still at this point couldn't believe what was happening. I was stunned. I could not imagine that the British would engage in such an attack upon peaceful demonstrators before the cameras of the world.

I jumped into the crowd. They were still sitting in the street and passed me over their heads. I, along with several members of Sin Fein and others who were simply trying to run away from the plastic bullets and from that attack, was stopped by three members of the Royal Ulster Constabulary. Several of the people with me were bleeding from injuries. After a period of four to five minutes, the three RUC men, who during this period were firing plastic bullets into the crowd, cursing and swearing, charged forward, allowing me a free path of escape.

I later learned that the attack was headed by the Royal Ulster Constabulary's Divisional Mobile Support Unit, which is responsible for several of the murders described as shoot-to-kill assassinations and was authorized and instructed to be there at the highest level within the British Cabinet. I was able to drive to another part of Belfast, where I learned the tragic news that Sean Downes, aged 22, had been murdered and that many others, including several of the Americans, had been injured. The most serious of these was Jeannie Martin, a young woman who sustained a fractured arm.

These individuals would later protest to the American consulate in Belfast. Several Americans at this time, including Nassau County Comptroller Peter King, contacted the State Department requesting that some action be taken to protect my safety. However, as yet, the State Department has taken no action, nor made any protest, about American citizens being victims of a brutal attack at the hands of British forces, thereby tacitly giving sanction to such actions.

The British Labour Party and the social democratic leaders criticized and condemned the ban upon me for the first time. They had been silent at the time it was issued. They also condemned the attack by British forces. James Prior himself described the ban as a "bad mistake." The British newspaper, the Daily Mirror, called for the British withdrawal, and the following Saturday 4,000 people, including several British members of parliament, marched to show their support for British withdrawal from Ireland.

I believe it is clear to anyone who saw the film footage of that attack that British forces acted as uniformed terrorists, savagely brutalizing all of those who attended the march to peacefully express their support for Irish national freedom.

Members of the Ad Hoc Committee, it is impossible for me to express the shock and terror which I and others present felt at the hands of British Crown forces during that attack. It is impossible to express the depth of Irish anger and hostility to British rule because of the systematic use of such tactics on a smaller scale, away from the cameras, over the past 15 years. As an American who fervently desires to see peace in Ireland, in accordance with fundamental principles of national freedom, religious equality, and opposition to colonialism, I implore you to take the following steps.

I would urge that visas be granted to Sin Fein representatives, such as Jerry Adams, M.P., so that they may be permitted to put their case alongside that of the British before the American people and before the American Congress, in conjunction with First Amendment free speech principles. All prominent Sin Fein leaders have been denied visas since 1974.

I implore you to support Congressman Biaggi's concurrent resolution to ban the use of plastic bullets, such as this one which I hold in my hand, which have been previously outlawed by the European parliament but which are still used by the British against Irish men, women and children and now were used against Americans. These lethal weapons that were responsible for the murder of Sean Downes were manufactured in the United States.

I implore the Congress to conduct hearings, echoing Congressman McGrath's plea, on the entire issue of Ireland, inviting the British, Loyalist Dublin government, Sin Fein, and indeed all shades of Irish opinion; and to pursue a foreign policy in relation to Ireland that is consistent with the principles enshrined in our Declaration of Independence and Bill of Rights.

Fourth, I would ask the Congress to demand of the State Department the reasons why it will not protect American citizens who were injured by the British in the north of Ireland, under circumstances which I believe would and should be protected anywhere else in the world.

Last, I would ask that the censorship ban against me, issued by the British government, which has already been condemned by the British Labour Party, the British Social Democratic Party, and conceded to be a mistake by its author James Prior, but which still remains in effect, be the subject of an additional formal protest.

I cannot abandon the people of the north of Ireland, who have suffered so much for so long, including that attack on August 12th. The removal of the ban would allow me to speak out on their behalf, without the threats to my freedom and my safety evident on August 12th in Belfast.



Members of the Ad Hoc Committee, it is my belief that a true understanding of the situation in Ireland would lead all Americans to call for diplomatic, political, and economic pressures on the British to declare a date for withdrawal from Ireland, thereby permitting the whole people of Ireland to come together without foreign interference and to form one national government based on freedom, religious equality, and the interests of the Irish people as a whole.

Full congressional hearings and visas for Sinn Féin leaders would cause the truth about British rule in Ireland to emerge—the truth, which the British attempted to silence, first by its censorship ban against me and, when that failed, by murdering Sean Downes and savagely attacking thousands, including 130 Americans in Belfast before the cameras of the world.

I would simply add to my prepared remarks that I am grateful to you, Congressman Blaggi, and to the entire committee for giving me and the other witnesses an opportunity to speak of what is occurring in the north of Ireland. I know that gratitude is very deeply shared by many Americans, Irish Americans and others concerned with the issue of Ireland. It is certainly shared by those who are forced to live under British rule in Ireland.

I am not surprised by the absence of the British today, although you invited them. Certainly, their conduct was indefensible. They stand condemned by the film which everyone who watched the news has seen, and nothing they can say could defend their attack. I am, however, again saddened, although not unexpectedly so, by the refusal of the State Department to be here. As an American citizen, I at least expected that the other Americans on the delegation would be protected, there would be a protest lodged on their behalf, or at least they might give some expression of sympathy to Americans who were injured in an unprovoked and brutal fashion by a foreign country. They have not done so, and I am saddened by the fact that the protection of American citizens seems of less importance than the interest of the British government in Ireland to the State Department in a country that came into existence by rebellion against England. Thank you.

Mr. BIAGGI. Thank you very much, Mr. Galvin.

Before we ask Dr. Abend to speak, I wonder if you would come forth and bring that plastic bullet up here so all the members can see it.

Mr. GALVIN. It is described as a "plastic bullet" but the name itself is misleading. Anybody can see that it is solid. It is fired at a speed of 160 miles an hour, which is almost twice the speed of a fastball in baseball. It was fired at point-blank range. It is supposed to be fired toward the ground or at the lower extremities. It is supposed to be fired at a distance of over 60 feet. It was fired, again and again, at point-blank range, all at the upper portions of people's bodies. Sean Downes was struck in the heart, and that was sufficient to kill him instantly. There were others who were severely injured during the firing of these plastic bullets.●

## EXTENSIONS OF REMARKS

### PROMISES MUST BE KEPT

#### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. FRENZEL. Mr. Speaker, I would like to share with my colleagues a letter that we all received from a number of leading trade associations. These varying organizations represent a wide range of our own constituencies, and they also represent millions of taxpaying individuals.

The letter states, in unambiguous terms, the need to get beyond mere rhetoric, and to begin making the tough fiscal decisions necessary if we are truly going to control the Federal budget.

Each Member must demonstrate some personal interest in spending discipline. We will have an opportunity to take our first baby steps in that direction later this week during consideration of the continuing resolution. The continuing resolution must be kept within the targets set by this House earlier this year in our more-than-generous House budget resolution. Harder, more difficult decisions will certainly follow.

We must be accountable to these and all taxpayers on how we handle the national purse. As stated in this letter, promises must be kept.

The letter follows:

AUGUST 22, 1984.

DEAR MEMBER OF CONGRESS: Over the past several years collectively and individually we have petitioned Members of Congress and the Administration to take meaningful steps to reduce current and projected Federal budget deficits. We have taken our concerns to the public through various media forms. Massive continued deficits raise interest rates, threaten to abort the economic recovery, cripple capital investment and savings, and reduce the standard of living for all Americans.

In our letter to the President and the Congress on February 10, 1984, we emphasized that "no parts of the Federal budget can be considered untouchable in the attack on deficits" and that "any increases in tax revenues must be broad-based and at least matched simultaneously by spending cuts."

The response to such appeals has been positive on the surface, and we are pleased that a consensus seems to be building throughout the nation that Federal deficits must be addressed and resolved. However, as we look at the record today we are concerned that the commitments made to reduce the deficit—especially commitments for spending cuts—have not been fulfilled. Promises made must be kept.

The 1982 TEFRA effort was to cut Federal spending three dollars for every dollar of tax increases. That did not happen. Primarily, tax increases passed Congress.

Attempts this year to have a "modest" downpayment on the deficit have once again relied almost exclusively on taxes. Moreover, these tax increases placed a disproportionate burden on savings and investment. Previously agreed to spending cuts were not made. Congress must make these spending reductions. If Congress does not,

September 18, 1984

the President should veto any appropriations bill which exceeds deficit downpayment guidelines.

Congress has failed to pass a Budget Resolution with the official targets for the appropriations spending levels. The President vowed to veto bills which exceeded his budget requests and yet the President signed the HUD Appropriations bill even though it exceeded both the President's and the Senate's guidelines. Moreover, the President, the Senate and the House guaranteed an increase in social security benefits beyond what the law required.

Because of our continued concern, we are sending this letter to all announced candidates for federal office. No candidate should face the electorate without explaining his or her specific views and votes on resolving federal deficits and the degree of his or her support to reduce expenditures.

Sincerely,

C. ROBERT BRENTON,

President,

American Bankers Association.

FELIX M. BECK,

President,

Mortgage Bankers Association of America.

PETER D. HERDER,

President,

National Association of Home Builders.

DONALD H. TREADWELL,

President,

National Association of Realtors.

JAMES A. COLES,

Chairman,

National Council of Savings Institutions.

PAUL W. PRIOR,

Chairman,

U.S. League of Savings Institutions.●

### A FIRST YEAR REPORT FOR COMPETITION ADVOCATES

#### HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. KASICH. Mr. Speaker, I wish to share with my colleagues the first year report from the Navy's Competition Advocate General, Commodore Stuart Platt. This report clearly shows the progress the Navy is making in saving money by fostering competition in its procurement practices. As Commodore Platt states in this report, "competition reduces costs, improves contractor performance, and strengthens the industrial base." I commend Secretary Lehman's wisdom in establishing the Office of the Competition Advocate General and Commodore Platt in achieving the significant results which are set forth in this report.

HEADQUARTERS NAVAL

MATERIAL COMMAND,

Washington, DC, August 13, 1984.

### A FIRST YEAR REPORT FOR COMPETITION ADVOCATES

A year ago Secretary Lehman established the Office of the Competition Advocate General of the Navy to pursue increased competition in the procurement of weapons systems, components, parts, and services for the Navy and Marine Corps. After reflecting on our first 12 months, I decided to share

with you some results of the Navy's efforts—thus this "annual report!"

#### SHIPBUILDING COMPETITION

This fiscal year, we will buy over 86 percent of our ships competitively. Especially encouraging is that over 90 percent of ships to be built or converted in the current five-year defense plan, including the SSN21 class of attack submarines, will be competed. We have set the right business posture for the future of shipbuilding, a major segment of the Navy budget. In shipboard weapons and equipment, as well, we have incorporated competition into many of our acquisition strategies. Examples include the MK-48 ADCAP (advanced capability torpedo), MK-50 ALWT (advanced lightweight torpedo), and propellers for the DDG52 and subsequent Arleigh Burke class destroyers.

#### AIRCRAFT, MISSILE AND ELECTRONIC SYSTEMS COMPETITION

Major strides in competing aircraft, missile, and electronic systems have also been made. Competition is a keystone in major new starts such as the CV Inner-Zone ASW Helicopter and JUV Advanced Vehicle Lift Aircraft, and in other programs such as the common ejection seat and the purchase of commercially owned C-9 aircraft. The Navy's recent decision to establish a second production source or accelerate second-sourcing plans for the Phoenix, Rolling Airframe, and Standard missile programs is an important step. New missile programs will be competed in a similar fashion.

To benefit the F-14D upgrade program and expedite its on-time completion, the Navy selected the winner of the fighter aircraft engine competition run by the Air Force with Navy participation. We established a competition base for aircraft inertial navigation systems using ring laser gyro technology, which should break a sole-source hold existing for years. The Navy's objective here, as elsewhere, is to put forces in place that will stimulate contractors to reduce costs and improve performance so we can afford the level of naval weapons we must have.

#### SAVINGS BEING ACHIEVED ARE IMPRESSIVE

Last year's competition between prime contractors for three Aegis cruisers yielded \$228 million in savings from the President's budget request for those ships. Competition in FY 84 for SSN668 class submarines resulted in savings of \$108 million from the President's budget request. Interjecting competition in the recent buy of "RD-358" shipboard magnetic tape units produced a winning bid of \$27 million from the challenger, providing the Navy with a savings of some \$20 million over the bid of the previous sole-source supplier. Competition for production of 42 "TBX" Thinline Arrays is saving the Navy \$250,000 per unit over the production estimate of \$700,000 per unit, for total savings exceeding \$10 million.

A competitive climate brought about an estimated \$22 million savings in the FY 84 contract for the joint cruise missile engine. Aggressive competition for nuclear attack submarine contracts has motivated private submarine construction yards to achieve breakthroughs in production technology: the improved facilities and fabrication techniques are expected to shorten construction periods and cut costs. These are just a few of numerous examples of the practical impact of increased competition.

#### HEIGHTENED AWARENESS IN THE NAVY

I have noted an increased awareness of competition in middle and first-line manage-

ment throughout the Navy. People in Washington headquarters commands and field activities are realizing that the Navy is serious in its commitment to competitive procurement. Much of the change is due to the strong and active support we are receiving from the President, the Secretary of Defense, and our senior Navy leaders. I also sense that the mood of the general public is supportive of Navy competition efforts.

In FY 83, we exceeded, by some \$215 million, the Navy's competition goal of 30 percent of total direct purchase dollars. This fiscal year, we have set our competition goal significantly higher: 38.6 percent of total procurement dollars. That equates to \$15.8 billion in competitive awards, and we expect over half of our contract actions to be competitive. Although progress toward this FY 84 goal is mixed through the first nine months, we anticipate reaching our goal.

#### PROJECT BOSS

To help correct the problems we have found in our spare parts acquisition process and to facilitate more spare parts competition, the Chief of Naval Material established Projects BOSS (Buy Our Spares Smart). Its objective is to ensure that the Navy pays only fair and reasonable prices for spare parts, which will help us obtain the highest possible state of fleet readiness with available funds. Project BOSS incorporates over 100 initiatives designed to improve the process of buying spare parts. To support these initiatives, some 350 new billets have been allocated Navy-wide.

The breakout initiative can save precious stock fund dollars, particularly when we stop buying from prime contractors and start competing requirements directly with active subcontractors. Our inventory control points have conducted full breakout reviews of over 3,800 items this year, already exceeding our FY 84 goals, and thousands of other breakout reviews are also being conducted. There is an across-the-board acceptance of responsibility for controlling Navy procurement costs—the bottom line is that BOSS is working. All this represents solid progress which will earn dividends for years to come.

Rights in technical data are often an essential element in obtaining competition. The Navy is systematically reviewing restrictions on data and challenging restrictions where appropriate. We have reached agreements with major prime contractors (for example, Litton, United Technologies, Sperry, and IBM) which eliminate or reduce restrictions on data and have been well publicized. We are committed to do battle in instances where we find improper restrictions on data. We will defend our actions in the courts if necessary.

#### COMPETITION ADVOCATES ARE IN PLACE

Competition advocates have been appointed at all buying activities with procurement authority over \$25,000. In addition, more than 150 competition advocates have been designated at field activities which generate more than one million dollars in annual procurement requirements.

#### SOUND JUDGMENT

The recording of history is one of mankind's most inhuman products, but judgment based on historical records is the keenest tool for dealing with problems near at hand. As competition advocates, you must use sound judgment and have the courage of your convictions as you go about executing the Navy's program of full and open competition in procurements. The following

are some observations for your consideration:

Judgment: the capacity to make sound and reasonable decisions; good sense; discernment.—The American Heritage Dictionary.

Knowledge comes, but wisdom lingers. It may not be difficult to store up in the mind a vast quantity of facts within a comparatively short time, but the ability to form judgments requires the severe discipline of hard work, and the tempering heat of experience and maturity.—The Thirtieth President of the United States.

This above all: to thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man.—William Shakespeare.

Competition should be used to help give us more quality and product for our scarce dollars. Your mission is to challenge sole-source procurements and promote maximum practical competition in contracting. We are all expected to do what is best for the Navy and our country. At times competition may not make good business sense. In such a case, you should promptly recommend approval of a valid proposed sole-source award and move on to other issues.

Remember not to be overly influenced by pessimists or those who are resistant to change or work and who do not have the open mind and vision to recognize the potential results of competition. Use your common sense and attack problems on a case-by-case basis. Be wary of studies, many of which we see yield distorted results and are clearly too biased for use in generalized predictions. We cannot ignore the widespread use of competition in commercial business—if competition did not work and make sense, industry would not be competing their purchases so extensively!

#### FUTURE ACTIONS

It's the people on the firing line like you who will, in the long run, determine the success of our program. I suggest you keep the following steps in mind as you address individual issues:

Pay particular attention to contractor support services, and pursue competition in this area with vigor; you should expect more direction in this area shortly.

Expect industry's continued cooperation, but be prepared if necessary to use the Navy's resources and proceed on your own if cooperation is not forthcoming.

Continue to press for the technical data needed to permit the second sourcing and the spare parts procurement reforms we are seeking.

Aggressively break out spare parts to competition to take advantage of the demonstrated savings. Spare parts procurement is one area where we all have our credibility on the line and we must remain strong.

Enforce the contractor commitments we have obtained on lifting of restrictions on data rights, use of suppliers and licensees for direct purchase, etc., and seek commitments from contractors whom we have not yet heard from.

Continue to emphasize early planning for competition as an essential element in a complete acquisition strategy; clearly we should look for a plan to compete in all new starts.

Encourage maximum possible subcontractor competition; here we need our NAVPROs, SUPSHIPS, and other contract administering activities to lead the way.

Be tough-minded but fair in our dealings with industry; the taxpayers deserve no less.



Remember that we are carrying out the strategy of the Secretary of the Navy and Chief of Naval Material to use competitive forces to our advantage. As we seek to compete our procurements, we also seek to ensure quality in our weapons systems, which must be rugged, reliable and maintainable—our ships and aircraft must be able to survive in wartime or time of crisis.

## SUMMARY

We are extensively increasing the use of competition in procurement to reduce costs, improve contractor performance, and strengthen the industrial base. We have made competition a part of all new shipbuilding, aviation, and missile programs, as well as created competition through starting dual sourcing of many of our existing complex weapons systems. In short, we are using competition where it makes sense.

The powerful market force of competition is bringing about very dramatic and real savings. We are setting the right stage for the Navy's future business. This important program you and I have been participating in is accelerating—we now need to keep it moving smartly while directing it equitably.

STUART PLATT,  
Competition Advocate General.●

## DILLON RIPLEY'S WASHINGTON

## HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to express my deep appreciation to S. Dillon Ripley, who is serving today for the last time as Secretary of the Smithsonian Institution.

Dillon has served for 20 years as the ninth Secretary of the world's largest complex of museums, research installations, nature preserves and parks. Under his stewardship, the 137-year-old Smithsonian has been transformed from "The Nation's Attic" into what it was intended by James Smithson to be—an institution for the increase and diffusion of knowledge about man, his culture and the environment.

It has been an honor and a pleasure for me, as a member of the Board of Regents of the Smithsonian Institution, to work with Dillon for the past 6 years. As one of the most important scientific and cultural leaders in the United States, he has been successful in bringing the Smithsonian museums, galleries, parks and research centers to nearly 30 million men, women, and children each year. I wish him every continued success in his new position with the Smithsonian, and submit for the RECORD two tributes to his career taken from the September 15 and September 17 editions of the Washington Post:

[From the Washington Post, Sept. 17, 1984]

## DILLON RIPLEY'S WASHINGTON

S. Dillon Ripley steps down today after 20 years as head of the Smithsonian Institution, and what a productive 20 years they have been. Mr. Ripley has been the promot-

er, bulder and/or expander of most of the great museums on the Mall and of a host of other facilities (the National Zoo) elsewhere in the city and outside the city. No single man has done more in his time to bring pleasure in learning to Washington's residents and its millions of visitors alike.

He in fact believes fiercely in the pleasure principle in knowledge, the notion that learning must be enjoyable and that the human personality can be engaged and fulfilled in many playful, serendipitous ways. Hence his placement of a carousel by the Smithsonian castle, his sponsorship of the summer folk festivals and other special events, his hospitality to a profusion of activities that reach, on the Mall, a critical mass. To measure the public's taste for all this, try counting the Smithsonian Associates stickers on the cars you see.

Less visible but no less central to his stewardship has been his vision of the wholeness of knowledge, the interdependence of the sciences and the humanities, the single universe of the scholarly life and the public life. The Woodrow Wilson International Center for Scholars, the Smithsonian's seminars and research and its outreach to countries around the globe, and its publications, including the nationally popular Smithsonian Magazine and the Wilson Quarterly, are among the fruits.

For his vast construction program—some important parts of which remain for his successor, Robert McC. Adams, to oversee—Mr. Ripley gained a reputation as a master builder. He also gained a certain reputation as an empire builder who went by his own rules. In a sense that particular rap may be seen as a tribute to the diligence and skill with which Dillon Ripley wove the strands of private money and public power into the institutional web of the Smithsonian.

He looked after the Hill and he kept in touch with presidents. He gave them good ideas and they gave him support. This is a political city, and nothing important gets done in it that does not require a political touch. The Smithsonian is, after all, devoted to the diffusion of knowledge.

[From the Washington Post, Sept. 15, 1984]

## RIPLEY'S BELIEVE IT AND BUILD

SHAPING WASHINGTON AND THE SMITHSONIAN

(By Benjamin Forgey)

S. Dillon Ripley, whose 20-year stewardship of the Smithsonian Institution ends officially on Monday, when archeologist Robert McC. Adams of Chicago is sworn in as secretary, was, among other things, the greatest builder in this city during a time of tremendous building activity.

Builder is perhaps not quite the word, or not the only one. Maker, or shaper, might better fit the man and the achievement. If there are a few private developers who can claim to have built more square footage here in the same time span, no individual or institution, including the federal government in all of its non-Smithsonian projects, comes close to having had more beneficial effects on more people than Ripley has had in his role as builder-maker-shaper of the Smithsonian expansion.

The list of local buildings and projects constructed during Ripley's reign includes: the National Air and Space Museum, the Hirshhorn Museum and Sculpture Garden, the Museum Support Center in Suitland and at the National Zoo, the Panda and Great Ape houses, Monkey Island, Beaver Valley and the Lion and Tiger and Education and Administration buildings.

Restored or improved buildings include: the Reptile, Monkey, Elephant and Small Mammal houses at the Zoo; the Old Patent Office, housing the National Museum of American Art and the National Portrait Gallery; the Renwick Gallery, the Anacostia Neighborhood Museum (in an old movie theater); the Smithsonian Castle; the Arts and Industries Building; and the National Museum of American History.

Outside of Washington there are: the Cooper-Hewitt Museum of Design, established in the old Andrew Carnegie Mansion in New York City; a research and conservation center for the zoo in a former U.S. Cavalry remount station in Front Royal, Va.; and the Multi-Mirror Telescope on Mount Hopkins in Arizona.

And the man is making an almost unbelievable exit. Plans are well under way for: a large, glass-enclosed restaurant addition to the Air and Space Museum; a part-new, part-restored facility for the Anacostia museum; and the acquisition and remodeling (for museum use) of the old Tariff Commission building downtown.

Then there is the final coup: the giant building, mostly underground, that will house the Sackler Gallery of Oriental Art, the National Museum of African Art and the Smithsonian Center for African, Near Eastern and Asian Cultures.

Not everything on this astonishing list was a Ripley project per se. Plans for the Old Patent Office and the Air and Space Museum were lying in wait for him when he arrived. But Ripley seized upon them as if they had been his own. He was the great aggrandizer in Smithsonian history.

He earned enemies along the way, to be sure. Disdainful of critics, he often was off-putting even to allies. He has been rightly accused of being secretive, arrogant, high-handed and, sometimes, vengeful in personnel matters. He has rightly been called an elitist, but for the wrong reasons, as if dedication to the highest standards of excellence in a job that demands them were somehow inappropriate.

The charge stings him to this day. "I believe elitism is a great word," he says, "if taken to mean maintaining a healthy interest in intellectual excellence. But it is not a nondemocratic word." In fact, Ripley was a wildly successful popularizer of the institution he headed and the hallowed grounds upon which most of its buildings stand.

He accomplished it all with patrician style, sharp intelligence, massive self-assurance and a sure grip on the levers of power. Although he often seemed indifferent or even hostile to the mechanics of power in Washington, for 20 years he was able to bend presidents, executive departments and a seemingly recalcitrant Congress to his will.

In part this was due to his astute choice of assistants. Ripley made the battle plans; the high-level staff took care of the all-important political details. In part it was due to his considerable supply of personal charm, and his timing. He knew just when to turn it on. In part it was due to the nature of the job. A Smithsonian secretary, once installed, is very like a king within his sizable realm. In part it was due to a masterstroke called the Smithsonian Magazine, with which Ripley was able to form a national constituency for the institution and its programs. In part it was due to his basic love of the fray.

But especially, I like to think, Ripley's success as a builder was due to the elementary fact that most of the ideas he espoused

were good ones, and the results he achieved were so obviously of lasting public benefit.

Architectural quality is not the principal issue, although the projects, both new and old, range from above average to very, very good. (None, it should be pointed out, was frightfully expensive, and sometimes the economies proved to be false ones. The Hirshhorn, over which bitter fights were fought—fights tingled with anti-Semitism on the Hill—is a good example. It would have been a softer, more handsome building by far had it been sheathed in light granite, as planned, instead of concrete. But even Ripley didn't dare go back to Congress palms up on this one.) The main issue is simple: Washington would be a vastly poorer place—intellectually, artistically, architecturally—without the buildings Ripley helped to save and build.

And it's not only the buildings. One of the first things Ripley did after arriving in Washington was to install a rented carousel under towering elms on the south side of the Mall. That carousel, now a fixture, stands as an apt symbol for Ripley's successful efforts to transform the magnificent, formal greensward into a place where people rush to run, walk, play, congregate. Of course, others contributed significantly—the late Nat Owings and National Gallery director J. Carter Brown deserve special mention—but Ripley's ceaseless prodding was the chief force behind turning the Mall into the nation's number one public park.

As secretary, Ripley was a walking, talking opportunist. Shortly after he arrived he took up the issue of the abandoned, dilapidated Renwick Gallery—the original Corcoran Gallery that for years had been misused as the Court of Claims. There were big plans afoot to rip it down, but Ripley, heading right for the top, convinced Lyndon Johnson that it should be returned (under Ripley's aegis, of course) to its original use as a public museum. And what Lyndon Johnson said, in 1964, was law.

The Renwick was the first of Ripley's major Smithsonian plums. The Hirshhorn was the second. "And then Hirshhorn swam into our orbit," is the way he put it, with false modesty, as if it hadn't been Ripley himself, again playing the Johnson card, who persuaded a widely courted collector that the Mall was the place for his collection.

And so the list lengthened for two decades, culminating with the plum of plums: two museums and a Ripley invention, the study center for that "vast and rich array of civilizations" of Asia, Africa and the Near East, all being built underground. It's as if, having run out of places to build on the soil, Ripley, refusing to quit, simply looked out the window of his Castle office and thought, "By God, we can put it down there."

Nothing is quite so simple, of course, but the decision to bury two museums underneath a park, regardless of its rationale, is the act of a daring, resourceful, powerful builder, the likes of which this city has rarely seen. ●

#### THE PRESIDENTIAL VETO

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. LEHMAN of California. Mr. Speaker, I would like to share with my

colleagues an article which appeared in the Wall Street Journal on September 11, 1984, regarding the use of the Presidential veto. For some time now, the administration has placed the blame on the Democratic controlled Congress for our current budget deficits. We are told that if the Congress had enacted the President's legislative proposals, our deficit would not be in its current disastrous state. As the Wall Street Journal article so aptly points out, the President has failed miserably in utilizing one of the most effective tools for reducing Government spending, one that only the President himself can utilize—the veto. I urge my colleagues to read this article which shows, once again, where our President has failed when it comes to fiscal responsibility:

#### IF CONGRESS IS SPENDTHRIFT, WHERE ARE REAGAN'S VETOES?

(By David R. Burton)

President Reagan precipitated indignant howls of outrage two weeks ago when he vetoed the authorization bill for the Corporation for Public Broadcasting (CPB). Some might think Mr. Reagan had once again boldly used his veto power to curb government spending. Nothing could be more misleading. Although a conservative, he has used his veto power less frequently than any modern president save that great spender, Lyndon Johnson.

Mr. Reagan entered office promising to keep federal spending under control. But notwithstanding his rhetoric, the record shows that the growth in federal expenditures has continued. Since the Reagan administration took office, total federal spending has increased 11.2% in inflation-adjusted terms while nondefense spending has increased 6.9%. Federal spending reached 24.7% of the gross national product last year.

#### THE VETO'S HISTORY

President	Period	Total vetoes	Vetoes per year	Vetoes sustained
Roosevelt	1933-45	635	52	99
Truman	1945-53	250	32	95
Eisenhower	1953-61	181	23	99
Kennedy	1961-63	21	7	100
Johnson	1963-69	30	6	100
Nixon	1969-74	42	8	86
Ford	1974-77	72	29	83
Carter	1977-81	31	8	94
Reagan	1981-84	23	7	83

Note: Where appropriate, the fact that a president served less than a full term is taken account of in the vetoes-per-year calculation.  
Source: "Statistical Abstract of the United States, 1984"; Clerk of the White House.

Certainly, a profligate Congress deserves much of the blame for this sorry record. But Mr. Reagan himself deserves much of the blame—he has signed virtually every spending bill that Congress has presented to him.

The Constitution, dispersing power among the several branches of government, gives the president the right to veto any bill that Congress presents for his signature. For a bill to become law without the president's support, two-thirds of both the Senate and the House must vote to override the president's veto.

But as the accompanying chart illustrates, Mr. Reagan has utterly failed to use what could be his most formidable weapon in reducing federal spending. This contrasts

sharply with the record of Gerald Ford, whom Mr. Reagan criticized in the 1976 campaign as being too soft on government spending. In a lonely effort to curb outlays, Mr. Ford exercised his veto power 29 times per year, more than any other Republican president and more than four-times as often as Mr. Reagan.

In California, Mr. Reagan had the advantage of the line-item veto, which allowed him to reject part of a bill rather than being forced into all-or-nothing choices. Yet Mr. Reagan's veto record in California was similarly lackluster. According to the Reporting Research Corporation, in the first two years of his administration Mr. Reagan vetoed only \$60 million in spending (\$175 million in 1984 dollars). In 1971, Mr. Reagan did not veto a single item. GOP Gov. George Deukmejian, by contrast, has used the line-item veto to trim \$1.8 billion in his first two years as California governor.

The Reagan administration often justifies its veto record by complaining that Congress has failed to send any budget-busting appropriations bills that significantly exceed the president's budget requests. For example, Treasury Secretary Donald Regan, when asked about the dearth of vetoes in a recent ABC interview, said, "Congress keeps slipping in, just over the edge, just taking a little bit, so there's been nothing mammoth that he [President Reagan] can veto." But those "little bits" have added up to record federal spending—under an administration pledged to reduce spending.

The Reagan administration cannot have it both ways. Either Congress is spending responsibly, at a level with which the administration is comfortable, or it is not. If the administration believes that Congress is spending prudently, then the administration should publicly acknowledge that it has few differences with Congress.

Two coming appropriations bills represent a golden opportunity to adopt a new, firmer approach toward spending. Congress is expected to pass this month a Labor, Health and Human Services appropriations bill that could be almost \$4 billion (4%) over the administration's budget request. That is not a "little bit" over the president's request, and if the administration is serious about curbing spending, Mr. Reagan should use his veto.

The Treasury, Postal Service and General Government appropriations bill is in conference and should be sent to the president soon. The House version is \$500 million (4%) over the administration's request while the Senate bill is \$400 million in excess. The House version would mean the hiring of more than 1,500 new bureaucrats. Hiring more bureaucrats is not going to solve the republic's ills. The bill deserves to be sent to the political graveyard.

President Reagan has a historic opportunity to reverse the growth of government. To succeed, however, the administration must become more aggressive in its budget battles. It has neglected the most potent weapon in its arsenal—the veto. With the veto and one-third of either house of Congress, Mr. Reagan can take firm hold of the reins of government and take a detour from what Nobel Prize-winning economist Friedrich Hayek called the "road to serfdom." He should start right now. ●



**TESTIMONIAL DINNER TO  
HONOR CATHERINE "CATHY"  
HENSEL**

**HON. MATTHEW G. MARTINEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 18, 1984*

● **Mr. MARTINEZ.** Mr. Speaker, I would like to draw the attention of my colleagues to the honor being given to an outstanding individual from my community. I have had the privilege of knowing and working with her, and I ask my colleagues to join with me in paying tribute to this woman and her long history of accomplishments.

Few names are better known in the Montebello area than "Hensel." And it should come as no surprise, since Catherine "Cathy" Hensel and her husband George have made their influence felt in practically every civic activity imaginable.

Whether it be business activities, political activities, or grassroot community activities, the Hensels have left a positive mark in every venture they have chosen to undertake—and they have chosen to undertake many.

One-half of the Hensel team, namely Cathy, will be honored this Friday at a testimonial dinner cosponsored by the Montebello-East Los Angeles Family YMCA and the Quiet Cannon Restaurant. Hensel will be honored for her years of service to young people and the community at large.

"I do what I do for people," said Hensel, of her contributions to the community.

"I enjoy doing things for the community. I think if everyone gave to the community, it would make it a better place for everybody."

Hensel was born in Enon Valley, PA, a town near Pittsburgh with a population of 300. She moved to Pocatello, ID, as a young wife and mother during the Depression in 1933 and then to California just after the start of World War II.

A resident of the Montebello area since 1942, Hensel didn't begin her involvement with civic affairs until 1967.

Prior to that, "I was active taking care of my family and starting the driving school," she said.

Her numerous community activities started after she joined the Montebello Soroptimist Club.

"They are a very active organization and one thing just led to another," said Hensel.

Throughout the years she's managed to become a member of many organizations including: St. Benedict's Altar Society, Catholic Daughters, Montebello Women's Club, and the Southland Art Association.

And, as if those activities weren't enough, Hensel decided to take on some more.

In 1974, with only 6 weeks to go before election day, Hensel campaigned vigorously for a seat in the Montebello City Council. She lost by 42 votes.

But in 1976, her bid for the coveted seat was successful and on April 9, 1979, she became the first woman mayor in the city's history.

"I was very proud," said Hensel of her mayoralty. "It was a challenge. I had the full cooperation of the city council and the city staff, but more than that the citizens of Montebello gave me encouragement."

Hensel was reelected to the city council, and served again as mayor from April 1983 to April 1984.

Another first for Hensel was when she became the first woman to hold the position of chairman of the YMCA Board of Managers, another position of which she is very proud. She's been involved with the organization for about 20 years.

"I was always interested in the 'Y,'" said Hensel. "My children participated in 'Y' activities. It's the best organization for youth."

Hensel's contributions to the organization earned her the Golden Book Award, given by the Los Angeles Metropolitan YMCA—of which the east Los Angeles-Montebello Family YMCA is a member. The award is the highest that can be given to a layperson.

The east Los Angeles-Montebello facility has also honored Hensel by naming an award given to youth volunteers after her.

"There are lots of reasons to honor this woman. She's given so much to the 'Y' and to youth throughout the community," said Irene Lopez, chairperson for the YMCA.

"She's the type of person who does things and doesn't really let a whole lot of people know about it. The community is not aware of how many things Cathy has done. Cathy is very unassuming."

In addition to her community and political activities, Hensel is also vice president of California Driving School; California Driving School—San Francisco; the California Safety Center, Inc.; on the board of directors at Rio Hondo Publishing Co.; Diamond Bar Country Club, and Hensel Investments, Inc.; and serves on the board of trustees foundation board at Beverly Community Hospital.

She has also been a past member of the board of directors of Pan American Bank, past president of Toastmistress Club, Montebello and east Los Angeles Rotary Anns, a past member of District Attorney John Van de Kamp's advisory committee, and a past member of Assemblyman Jack Fenton's Citizen Advisory Committee on Education.

And, in 1975, Hensel was the recipient of the City of Hope Spirit of Life

Award, given to those individuals who have shown compassion for people and who have contributed to the betterment of their communities.

How does she manage to find time for all these activities?

"It isn't difficult," said Hensel. "It's something I'm interested in. I'm interested in people."

Besides that, Hensel is a firm believer in putting back into the community what one has taken out of it.

"Americans are very fortunate to be living in this country," Hensel said. "I think everyone should give back a little in one way or another."

The testimonial dinner honoring Hensel will be held Friday, September 21 at the Quiet Cannon Restaurant, Montebello Country Club.

Proceeds from the black tie dinner optional dinner will go toward repairing the YMCA facility and also toward program development.

Edward James Olmos of "Zoot Suit" fame will be master of ceremonies with dance music provided by Summer Sky.●

**SANCTUARY**

**HON. JAMES F. McNULTY, JR.**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 18, 1984*

● **Mr. McNULTY.** Mr. Speaker, in 1982 a movement was started in my State of Arizona to aid those that have been the true recipients of this administration's policy in Central America: refugees. Today, more than 150 parishes and congregations have declared their church or synagogue a "sanctuary" for illegal Salvadoran and Guatemalan immigrants.

While it is true that this action represents a grassroots protest of the Nation's current policy in Central America—a policy that has forced many people to flee in fear—it is also a praiseworthy effort by men and women of faith to respond to the suffering of fellow human beings. Some 50,000 people have been assisted by this sanctuary movement.

Some have argued that the Salvadorans entering this country are merely economic migrants in search of monetary rewards, rather than political refugees. Consequently, in the past 22 months the Government has granted political asylum to only 391 Salvadorans and denied it to 13,790, saying they failed to prove that they were personally persecuted in El Salvador. I do not intend to challenge the ability nor the sincerity of the Immigration and Naturalization Service; however, the documents and files held by religious and refugee groups would argue to the contrary. And I would suggest that the state of affairs in that coun-

try are so severe as to place the life of most anyone in jeopardy.

You may doubt my assertion and firmly believe that all is well and good, and these people should be returned to their native country. If you are of this belief, then I commend to your attention a bill by my colleague, Mr. MOAKLEY. This measure simply provides for a temporary suspension of deportation of Salvadorans from the United States until the President can verify that the humanitarian conditions in that country are safe enough for these individuals to be returned. This bipartisan bill can answer the questions of those that are unsure, or confirm the beliefs of those who feel these immigrants should return to El Salvador. But in either case, it will ensure that the welfare of these individuals is properly cared for.

Mr. Speaker, I insert the attached article which appeared in the August 4 Washington Post and details the activities of the sanctuary movement in the RECORD.

#### SANCTUARY: CHURCHES AIDING ILLEGAL ALIENS

(By Caryle Murphy)

TUCSON.—Southside United Presbyterian church sits in a scruffy, heat-bleached neighborhood next to part of the city dump. Inside, a 10-foot cross hewn from worn out railroad ties looms over a simple meeting room equipped with only an organ and wooden chairs.

Here, on March 24, 1982, the Rev. John M. Fife and his congregation invoked a centuries-old Christian tradition and declared their church a "sanctuary" for illegal Salvadoran and Guatemalan immigrants.

It was a solitary, symbolic gesture in defiance of federal laws that forbid helping undocumented aliens flee immigration authorities.

Two years later, more than 150 parishes and congregations from Massachusetts to California—including seven in the Washington area—have joined Southside in what has become an increasingly popular form of grass-roots protest of U.S. policies in Central America and the federal government's treatment of civilians caught up in the conflicts there.

Organizers say that 50,000 people have participated in the sanctuary movement in one way or another, and that several hundred Central Americans have sought refuge through its network of churches. This figure represents only a fraction of the estimated 500,000 illegal aliens in the United States, but total numbers are not the major concern of a movement whose power is meant to lie mostly in its symbolism.

What makes the sanctuary movement different from past protests is that it is challenging Reagan administration policies in Central America through an unusual forum: U.S. immigration law.

The movement's close ties with the church pose a dilemma for the U.S. Immigration and Naturalization Service, which by law is required to apprehend illegal aliens. Wishing to avoid a public clash with churches and hoping to minimize media attention to the movement, INS has studiously ignored its activities for the past two years, including a widely publicized caravan of cars that transported an undocumented

Guatemalan family from Chicago to Weston, Vt. last April.

"I don't think anybody, Congress, the White House or the public, wants us going into churches looking for illegal aliens, and it's just not practical or worthwhile for us," says INS spokesman Verne Jervis.

Members of the sanctuary movement contend that the administration, for political reasons, has deliberately misapplied immigration law in deciding whether Salvadorans should be allowed into this country.

"The movement," says Fife, "has created an awareness nationally and in Congress and the administration that Central American refugee issues are an important national consideration . . . and established a clear linkage between immigration and refugee issues and the policies of the United States in Central America."

Typically, the Central Americans, using assumed names and handkerchiefs or sunglasses to conceal their identities, have been presented to reporters during a dramatic welcoming ceremony at which they recite tales of persecution and mistreatment at the hands of army or police in their own countries.

This is a prelude to an extended period during which the churches provide food, clothing, employment and housing, sometimes, but not always, in church-owned buildings.

The major impetus for the movement has come from religious communities across the country and made up of people of all ages and income groups.

So far it has been endorsed by the American Friends Service Committee, the Conservative Rabbinical Assembly, the General Assembly of the United Presbyterian Church U.S.A., the United Methodist Board of Church and Society and the Board of National Ministries of the American Baptist Church U.S.A.

The motives of many sanctuary supporters lie at the intersection of religion and politics. "The suffering of the people of Central America is so great it demands a response from people of faith here," says Benedictine Brother Philip Fronckiewicz of Weston Priory in Weston, Vt., which is providing sanctuary to a Guatemalan family of seven.

"It raises religious and moral questions for us and it was a moral and ethical response [for us] to become a sanctuary," said Fronckiewicz.

Others put politics first. "One of our goals is to end U.S. intervention in Central America," says Lee Holstein of the Chicago Religious Task Force, an ecumenical group that acts as a clearinghouse. The movement "provides safe and public forums for refugees from El Salvador, Guatemala and Honduras so they can speak directly to the American people in the United States about conditions in those countries, about why they left and what the U.S. is doing there."

Those involved in the movement define their role in different ways. "To some people the sanctuary movement is helping [undocumented aliens] evade the authorities; to some it is transporting them; to some it's helping them with food and shelter," says Roman Catholic Bishop John J. Fitzpatrick of Brownsville, Tex.

In recent months, three activists in the movement have been charged with transporting undocumented aliens. INS officials say all three were apprehended as the result of routine border patrol operations and were not targeted specifically because of their involvement in the sanctuary movement.

Despite its roots in Christian tradition, the status of sanctuary as a legal concept is unclear in modern U.S. law. The INS says that members of the clergy are not immune from federal immigration laws and that with a proper search warrant they can enter a church to apprehend illegal aliens.

"Some things done by the so-called sanctuary movement are legal and some are not," says Hal W. Boldin, INS district director in Harlingen, Tex. "It's perfectly legal to give food and shelter. Harboring [an undocumented alien] is only a violation if they are being concealed . . . trying to catch someone giving food and water to illegal aliens, it's just not our operation."

But "transporting of an alien who entered the U.S. illegally in furtherance of that illegal entry is a violation," he says. "We're not talking about sanctuary there."

The political implications of granting sanctuary are only too apparent to the INS. "The only debate going on is a political one and it has to do with an attempt to change the foreign policy of the U.S. in El Salvador," says Boldin, who calls the illegal immigrants "pawns" of the critics.

At issue is whether the Salvadorans who come here are mostly economic migrants as the federal government claims, or political refugees, as many of its critics claim. Classified as refugees, Salvadorans would be allowed to stay here, at least temporarily, even if they had entered the country illegally.

In the past 22 months the government has granted political asylum to only 391 Salvadorans and denied it to 13,790, saying they failed to prove that they personally were persecuted in El Salvador.

But many religious groups, refugee groups and immigration lawyers, armed with numerous case histories to back them up, charge that INS and the State Department have turned down many Salvadoran applicants with valid stories of personal persecution because the United States did not want to cast the Salvadoran government in a negative light.

"To some degree," says Roger Winter, director of the U.S. Committee for Refugees, a private group, "the U.S. has precipitated the problem by its own unwillingness to keep politics out of the [asylum] system. If back in those early years the U.S. asylum system had adequately distinguished between people who had reasonable cases and people that didn't, then a lot of these later complications, including the sanctuary movement, might not have grown up quite like it did."

Organizers of the movement operate on the assumption that all Salvadorans and Guatemalans are refugees, though they admit they cannot know for sure if the stories they tell are true. "We try to do an extensive screening process and get corroborating letters from churches or the United Nations High Commission for Refugees," says Philip Conger, a refugee program worker at Southside.

"It's difficult for someone to maintain a story that's coherent over a period of time if they are not telling the truth. We have rejected some people we thought were not telling the truth," Conger says.

The first stop for most Salvadorans crossing into Arizona is Southside Church. But before that many of them have met Jim Corbett and his wife, Patricia. A retired rancher and a Quaker who holds a master's degree in philosophy from Harvard, Corbett, 50, says a chance encounter with a Sal-



vadoran refugee three years ago got him interested in Central America.

Since then the Corbetts have been involved in what they call "evasion services," helping Salvadorans and Guatemalans evade the U.S. Border Patrol as they cross into the United States from Mexico. They have helped about 1,000 to do so since 1981, Corbett says. Not all of those go into the sanctuary movement.

Corbett travels to Mexico about every three months to contact an informal network of priests and human rights groups helping Salvadorans and Guatemalans living there. Seeking out people he considers most needy of refugee protection, he makes arrangements for them to cross the border, advising them where to do it and where to meet him after they enter the United States.

Generally the Central Americans are matched with churches by the Chicago Task Force, which runs a nationwide network of contacts who transport them from one place to another. Margaret Volpe of Davenport, Ill., is one of those contacts.

"There's a woman in Nebraska who does routing—she calls us and we send someone to pick them up at such and such an agreed point," says Volpe, a 39-year-old Catholic. "We have taken them to next point, which is usually Chicago. Usually we meet at a rest area, on a highway or sometimes at a home."

Darlene Nicgorski, an American Franciscan nun who worked in Guatemala for 10 months, is another of those contacts. Working out of her apartment in Phoenix, she screens potential candidates for the sanctuary movement.

Nicgorski says she must determine if they have the stamina and ability to cope with the publicity and with the strains of living in a community where they may be the only Hispanics. Most who enter the movement do so in the hope that by speaking out, "they are helping people who can't get out," Nicgorski says.

This is the reason given by Pedro, a 29-year-old illegal alien who is now staying with Nicgorski in Phoenix. In a telephone interview, Pedro says through an interpreter that he was a photographer for the Salvadoran Human Rights Commission and helped retrieve the body of its president, Mariamela Garcia Villas, after she was slain in El Salvador in March 1983. After soldiers came to his home looking for him Pedro says, he feared for his life and fled to Mexico City and worked with the commission's offices there.

Although the Mexican government "has much respect for our work," immigration officials and intelligence agencies "made people like us feel uncomfortable," he says. So he came to this country a month ago, crossing the border clandestinely. He plans to enter the sanctuary movement "to explain the way the assistance being sent to El Salvador is being used . . . and in this way the American public will know their president is helping a government that is killing the people."●

## FEDERAL EMPLOYEES' DAY CARE BENEFITS STUDY ACT OF 1984

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. WOLF. Mr. Speaker, today, Representatives BARNES, HOLT, HOYER, and PARRIS are joining me in introducing legislation to authorize the General Accounting Office with a private consultant to conduct a cost-benefit analysis on providing child care benefits to Government employees. After conducting three workshops in my congressional district to acquaint employers with tax incentives and productivity advantages in offering child care benefits to assist working parents, I was overwhelmed with the amount of support and interest these conferences generated among employers, employees, and providers. News reports about our efforts have resulted in inquiries from organizations and individuals from all over the United States which demonstrate the high degree of interest in child care.

In these meetings, Dr. Deanna Tate of the Texas Woman's University, one of the top researchers in this field, outlined that research to date shows for every \$1 invested in a child care benefit, the employer received anywhere from \$4 to \$20 return on the investment. Although the tax advantages to businesses would not be available to Government, a recent case study of a nonprofit organization—governed by the same tax laws in the Federal Government—identified a \$3 to \$1 investment return for offering child care benefits.

Since these types of savings already exist in the private sector and the evidence exists that similar savings could be found in the Federal Government, I believe that, with the changes taking place in work patterns and with the growing concern about budget savings, the Federal Government as a responsible employer must take steps to analyze child care benefits.

### BACKGROUND

I would like to give some background on my work in this area. From my discussions with both employers and parents and in my work on the House Select Committee on Children, Youth, and Families, I learned of the growing number of households with working parents or single parents and the impact this trend is having on employers and families. Also in my work on the House committee, I became acquainted with the White House Office of Private Sector Initiatives and its program which brings the business and child care provider communities together to share information on changes in child care demands and new opportunities for businesses to

assist working parents through tax, productivity and other advantages.

Following my review of this program, I formed a Child Care Advisory Committee to develop an informational program regarding these advantages for northern Virginia employers. The first phase of this program was a breakfast briefing in early June with area business leaders hosted by the BDM International Corp. to gauge the interest in this subject. The response was quite positive and resulted in two additional workshops for child care providers and employers in late July. Dr. Deanna Tate of the Texas Woman's University, one of the leading researchers in this field, was the keynote speaker for these events.

Clearly the growing number of households with working parents or single parents is having a major impact on local employers and families and this trend can be expected to continue in the future. Let me share some of these statistics:

According to the 1980 census, 55 percent of mothers with children under age 6 in the Washington area and almost 71 percent of those with children between ages 6 and 17, worked.

This astonishing figure is much higher than the national average which showed 45 percent of mothers with children under age 6 and 63 percent of those with school aged children worked.

The change in the past decade has also been significant. In 1970, only 21 percent of women with children under age 6 and 50 percent of women with school age children were employed. The House Select Committee on Children, Youth, and Families predicts that nationally by 1990, 55 percent of married women and 50 percent of mothers with children under age 6 will be employed—an 80 percent increase since 1970.

An even more alarming figure is that one in every four children under the age of 10 will be in a single parent household, with that parent either employed or looking for work. Of particular concern to me regarding these statistics is the unique fact that the departments and agencies of the Federal Government are located here and could account for the higher statistics for this area. This evidence substantiates the fact that as women and single parents become a major force in the workplace, their needs, the needs of their families and particularly the needs of their children must be addressed. For employers seeking to recruit and retain top quality personnel, the ability to provide good employee benefits is essential. The successful employer of the future may be one who recognizes that child care is a benefit option which can be crucial to the productivity of their business or organization.

I believe it is important for the Federal Government, as a responsible employer, to look at the child care situation and determine whether there could be cost benefits for providing child care assistance for its working parent employees. The information I have seen through these workshops, through hearings in the select committee and through information provided by the Department of Labor and the White House points to a real cost savings to an employer who provides child care benefits. Those savings are achieved from reduced employee turnover, reduced subsequent training costs, higher retention, less absenteeism, lower tardiness, and increased productivity. Such benefits can also help to promote higher employee morale and loyalty.

While conducting the workshops for northern Virginia employers, we encouraged them to study the situation in their organization thoroughly to determine the type of child care best suited for their needs. Today, I am advocating that we, the Federal Government, as the largest employer in America apply these same practices and make a serious analysis of these possible benefits. I am not suggesting that day care is for everyone, though. Parents should be able to choose among options they believe best meet the needs of their children—whether they choose to stay home full time, or choose full employment and need child care assistance to do so—they should be able to make such decisions with the best interest of their children as the primary concern.

The magnitude of the situation demands that we consider all options which will provide the best investment from the taxpayer's and Government's standpoint, while also facilitating the needs of the employee and the employee's family.

My colleagues may be interested in two recent Washington Post articles about my child care educational effort in northern Virginia and I am also including with this statement the following comments I have received from interested Federal employee groups on this initiative.

#### Federally Employed Women:

FEW thanks you for your initiative in introducing legislation that addresses a prime concern of Federally Employed Women—childcare. The number of working mothers in the Federal workforce has increased over the past decade. The majority of these women work because of economic need. For these families affordable and quality child care is a necessity . . . FEW supports the Child Care Study Bill . . . a cost-benefit analysis of various child care options in Federal workplaces is a beginning in establishing available child care for working mothers and fathers employed by the Federal government.

The Chairman of the Board of the Senior Executives Association, Carol Bonosaro:

The members of the Association are vitally concerned with this issue both as working parents and as supervisors and managers of employees who are working parents. Your legislation which would study the problem and propose appropriate solutions, is a welcome first step in finding a remedy to this national problem. We commend you for your efforts, and for your foresight in taking a leadership role on this issue.

The Professional Managers Association:

Your proposal is both appropriate and timely. It is appropriate that some attention be given to public employee child care, given the trend to do so in the private sector. It is timely because of the general trend toward more mothers joining the workforce. If improved productivity can result from minimizing employee-parents' concern and reduced time away from work related to child care needs, then the taxpayer, the government and the employee can all benefit. An objective and thorough analysis of the question, such as the one you plan to propose, should provide the needed answer.

[From the Washington Post, Aug. 1, 1984]

#### CHILD CARE

(By Judy Mann)

Carol Remington is the employee services manager of GTE Telenet, a data communications firm in the process of relocating its 800 local employees to new headquarters in Reston. Remington is negotiating with four child-care centers in Reston to set up a voucher system by which GTE can help its employees pay for child care at the centers.

She was one of about 75 representatives of business, government and child-care organizations who met yesterday at a workshop on "Employer-Sponsored Options for Working Parents" sponsored by Rep. Frank R. Wolf (R-Va.) and targeted specifically at businesses in the 10th Congressional District. The workshop grew out of a series of meetings with women constituents that began last November and ultimately led to a briefing with chief executive officers in June.

The purpose of the workshop was to give employers hard facts about the tax benefits they could derive from helping their employees with child care, the productivity benefits they could derive from lowered absenteeism and turnover due to child-care problems, and the variety of ways they could become more responsive to the problems of working parents.

Among the speakers were a representative of the Internal Revenue Service, Dr. Deanna Tate of Texas Women's University, who has done cost-benefit analyses showing that employer-sponsored child-care programs save companies money, and Richard Schlaff of the White House Office of Private Sector Initiatives, which has sponsored 19 similar conferences for top business executives across the country.

Schlaff said child-care advocates had complained they could not reach "the decision makers" in companies to let them know "there's something other than on-site care." The Office of Private Initiatives began contacting chief executive officers in local communities and asking them to invite their peers to briefing luncheons. Then, they were asked to send their personnel officials to follow-up workshops to learn about various forms of child-care assistance and how they could implement them. "We're trying to get the child-care community and the business community to work together," said Schlaff.

At yesterday's workshop, for example, he distributed a two-page worksheet detailing steps to take in companies to provide support systems for working parents. He also distributed a list of various companies and what they are doing, so that people at the workshop could contact companies similar to theirs and find out what might work best for them.

"Ten years ago," said Schlaff, "the movement was toward on-site centers," which met with tremendous employer resistance. "They labeled it and said no babies in the boardroom. They then took the concept of employer-supported child care and put it on a shelf. We attempted to reach the decision makers in companies and said open up that file and dust it off and look at the changes in what's available to help working-parent employees."

"We find the CEOs are just not interested until it hits home," he said. Then he gave an example of a grandfather who had put his daughter through law school and wanted her to practice law but also wanted the best care for his grandson. Then the son-in-law left. Suddenly child care became of paramount importance to the CEO, and he willingly agreed to host one of the lunches for his peers.

"There are things your company can do that don't cost a quarter of a million dollars," said Schlaff. He urged the business people to consider having seminars for working parents to inform them about child-care tax credits and time management. He urged them to have seminars for supervisors so they would realize that a secretary who is given something to type at 5:30 in the evening may face \$5 or \$10 in penalty fees for picking up a child late at a center. He urged companies to examine their telephone and sick leave policies so that they are responsive to the child-care problems of working parents.

Wolf said he believes the private sector has to take the initiative to accommodate the drastic change in the modern work force, and this is the message the White House Office on Private Initiatives has been taking to business. Unlike many women employees of corporations, they can get to the decision makers and they can educate them about the costs to the corporations of child-care problems. They are making the case in terms of reduced absenteeism and turnover and increased productivity. It is a language business people understand, and when they hear it from Wolf and the White House, they'll listen.

[From the Washington Post, Aug. 3, 1984]

#### CHILD CARE

(By Judy Mann)

Dr. Deanna Tate, chairman of the Child Development and Family Living Department at Texas Woman's University, has done cost-benefit analyses of three companies that had such detailed personnel data that she was able to determine the impact on productivity and profit of child-care assistance to employees. The results of her studies are striking arguments that this kind of employee benefit is good business.

A small textile manufacturing plant she analyzed had 87 employees, many of whom were women in low-skilled jobs. The turnover rate was running at the 40 percent level, in a community that had an unemployment rate of about 1.5 to 3 percent. The company paid \$42,500 to buy and modify a nearby house and set up a child care center. It budgeted \$30,000 for ongoing costs, with the



rest to be paid from parent fees. The center provided care for 36 children, and 26 percent of the employees used it.

The company calculated that it spent \$1,000 to train a new production worker and \$2,000 to train a new office worker. Turnover rate after the first year of operation dropped to 7 percent, and absenteeism went from 10 to 1 percent. The company was able to reduce its payroll by 10 production workers and 5 office workers, saving salary and training costs of 15 employees, reducing its workspace and lowering administrative costs for turnover and training. While it had four applicants for each position before the center was started, it had 20 afterwards, with 90 percent of them saying it was because of the child care center. "For every \$1 spent, they yielded \$6 in costs containment," Tate told a workshop on employer-sponsored child care assistance held for businesses this week under the sponsorship of Rep. Frank Wolf (R.-Va.).

Her cost-benefit analysis of a print shop that was considering child-care assistance for its 50 employees showed it would save \$4 for every \$1 invested. She projected that a hospital with 4,000 employees would save \$3 for every \$1 invested in a center.

Business interest in child care assistance for employees is growing. Richard Schlaff of the White House Office for Private Initiatives told the workshop that the Conference Board in New York estimates that 1,100 companies are now participating in some kind of program, up from 600 last November. Programs range from flexible leave policies which, for example, allow parents to use their sick leave when their children are sick, to full-scale commitment to child care assistance through on-site facilities.

In between, are a variety of options: IBM, for example, has recently contracted with a Boston firm for a nationwide child care and information referral system; banks in New York, Iowa, and Ohio have developed working parent seminars; Proctor & Gamble and the American Can Co. offer employees flexible benefit plans with child care as an option; the Polaroid Corp. and the Ford Foundation in New York give financial assistance to their employees for child care, and other companies, including local broadcasting stations in D.C., have joined together to set up consortium centers, which are then operated by nonprofit boards of employees.

Financial assistance includes vendored care, under which employers contract for slots for their employees' children with an existing day care provider. Voucher care is a system in which the employer gives a voucher to his employee to pay for part of the child care cost, the employee gives to the provider who then returns it to the employer for payment.

All of these forms of direct financial assistance in day care can be deducted from the employer's taxes as ordinary business expenses, and they are not considered taxable income to the employees, if they are done under a written Dependent Care Assistance Program. This program, established under the 1981 Economic Recovery Act, also allows companies to assist their employees with care for elderly or disabled dependents. Dependent care can be anything from a housekeeper to a center. The employee may not count that assistance in computing child-care tax credits on individual tax returns, although whatever he or she pays to supplement the assistance can be counted.

There was one overriding message that Schlaff and Tate tried to drive home at the

workshop: The benefit is cost-effective, but relatively new, and the first step employers should take is to get help from child-care professionals, just as they would get help from professionals in setting up insurance programs.

If child care assistance is going to be offered as a benefit like health insurance, then it makes sense to treat it as one.

#### SECTION-BY-SECTION ANALYSIS

Section 1: The title of this legislation is "Federal Employees' Day Care Benefits Study Act of 1984."

Section 2(a): The principles involved with this cost benefit analysis—the General Accounting Office and a private consultant, are defined.

(b) This section mandates a cost benefit analysis be performed on child care options. Because of the amount of research already being performed in the private sector in corporations, small businesses, and non-profit entities showing that for every one dollar invested in a child care benefit the employer receives anywhere from \$4 to \$20 on that investment, this legislation is designed to determine if similar cost savings are possible in the federal sector.

Several major options are being used by private sector organizations such as:

Providing a voucher benefit from the federal government for some portion of the child care cost for a working parent (voucher-care);

Having the federal government contact with a particular vendor for a certain number of child care spots in that center for employees to use (vendored-care);

Allowing several agencies in a particular vicinity to go in together on a consortium type of child care center (an example would be to establish a center in the Crystal City area of Arlington, Virginia in the midst of where many defense agencies lease space for their employees);

Or, where, feasible and cost effective to set up an on-site child care at the place of the parents' federal employment.

These are only a few of the most frequently used types of employer-sponsored child care options.

(c) The areas where cost savings will most likely be found are detailed in this section. The study should consider measuring the current costs to the government which are lost in the following areas due to dependent care-related matters: productivity, recruitment, turnover, absenteeism, tardiness, sick leave, annual leave, training of replacements, lost worktime, loyalty, public relations and other factors—which are often related to problems with dependent care and then compare these figures with the costs of offering a child care benefit.

(d) The Comptroller General is authorized to conduct research as necessary with the private consultant—whether through sampling, surveys, or estimates—to formulate or substantiate any cost savings identified by this analysis.

(e) The report made by GAO, and the private consultant must be transmitted to Congress within one year and should include recommendations for administrative or legislative action. Although a report would be welcome before such deadline, a researcher in this area in Texas has outlined that a report of this magnitude would take a full year to complete.

(f) GAO shall contract with a private consultant or consulting firm having education, training, expertise and knowledge in analyzing cost benefits of child care.

(g) All federal agencies are instructed to cooperate with GAO in accumulating the necessary data and material on which to make an accurate cost-benefit analysis.

(h) Such sums as necessary are authorized to carry out this cost benefit analysis. It is assumed by the sponsor that this type of analysis would not cost more than \$250,000 over the course of the next year.

H.R. 6269

A bill to require a cost-benefit analysis of a Government program of furnishing workday care benefits for dependent children of Federal employees

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Day Care Benefits Study Act of 1984".*

SEC. 2. (a) For the purposes of this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "consultant" means the individual or entity entering into a contract with the Comptroller General under subsection (f).

(b)(1) The Comptroller General, in the consultation with the consultant, shall—

(A) identify several options for a program for the Government to furnish workday care benefits to dependent children of Federal employees; and

(B) carry out a cost-benefit analysis of establishing and carrying out each program identified as an option pursuant to clause (A).

(2) The options identified by the Comptroller General pursuant to paragraph (1)(A) shall include such options as—

(A) a program to furnish child care at the place of employment;

(B) a program to furnish vouchers to pay for child care services;

(C) a program to furnish child care under a Government contract;

(D) a program to furnish child care through a consortium of Government agencies or a consortium of Government agencies and other employers using child care services; and

(E) a program to furnish information and referral services relating to child care.

(c) In carrying out the cost-benefit analysis required by subsection (b), the Comptroller General shall determine, with respect to each program identified pursuant to such subsection, whether the Government would achieve any cost savings in carrying out the program by reason of such factors as—

(1) increased productivity;

(2) reduced turnover in employees;

(3) reduced absenteeism;

(4) reduced tardiness;

(5) reduced use of sick leave and annual leave;

(6) reduced loss of worktime;

(7) increased loyalty; and

(8) reduced recruitment costs resulting from increased attractiveness of the Government as an employer.

(d) In carrying out the cost-benefit analysis required by subsection (b), the Comptroller General—

(1) shall review existing data and research available on the options for a child care program; and

(2) may carry out such surveys and sampling, distribute and collect such questionnaires, and make such estimates as the Comptroller General, in consultation with

the consultant, considers appropriate for the purposes of the analysis or to assure that there is sufficient data relating to the entire Government workforce and the several Government agencies nationwide.

(e) Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Congress a report on the cost-benefit analysis carried out under this section. The report shall include the findings of the Comptroller General and any recommendations for administrative action or legislation that the Comptroller General considers appropriate.

(f) The Comptroller General shall enter into a contract with any qualified individual or entity to consult with the Comptroller General on the cost-benefit analysis required by subsection (b). For the purposes of the first sentence, a qualified individual or entity is any individual or entity who, by reason of education, training, or experience, has extensive knowledge and expertise in the major areas to be considered in the cost-benefit analysis.

(g) Each head of a department, agency, or other entity of the Government shall furnish the Comptroller General such information, services, and other assistance as the Comptroller General considers necessary to carry out the cost-benefit analysis required by subsection (b).

(h) There are authorized to be appropriated such sums as may be necessary to carry out this section.■

#### FOLEY FAMILY: A NEVADA LEGAL SAGA

#### HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

■ Mr. REID. Mr. Speaker, throughout the legislative session, we Members of Congress study thousands of documents, as well as attend hundreds of briefings and hearings, before we commit our votes to legislation when it comes before the House. Recognizing that even this description of the procedure is simplistic, I am especially appreciative of the August 9, 1984, passage of H.R. 4717, a bill to name the Federal building in Clark County, NV, the Foley Federal Building and U.S. Courthouse.

To understand the significance of this name change it is important to understand the impact that the Foley family has made on Nevada, especially in terms of the State's legal history. In fact, in describing the people who pursue the diverse challenges of the law, Nevadans consider the name Foley as synonymous with "the law." In toto, the Foley clan has been in that business for about 300 years—with more to come. That translates into four generations—12 lawyers, at last count—who have held nearly every political position.

Thomas Llewellyn Foley came to Goldfield, NV, in 1906, where he set up law practice. His son, Roger T., joined his practice, but soon branched

off into politics as Esmeralda County district attorney.

In 1928, the family moved to Las Vegas, where Roger T.'s five sons, George, Joe, John, Roger, and Tom, would eventually create, protect, and practice the law.

It was in 1945 that President Franklin Roosevelt appointed Roger T. as a Federal judge, a position he held until his death in 1974. Five years after that appointment, his five sons, all practicing law together at that time, held the record as the Nation's largest firm of "all brothers." They held that auspicious title for at least 10 years.

In 1961, one of the brothers, Roger D., followed his father's example by being appointed Federal judge by President John Kennedy. He now is a senior Federal judge.

Indeed, there has never been such a dynamic family that has given so much knowledge, experience and loyalty to the legal and political development of one State.

Following are brief profiles of the five sons of Roger T., highlights of their political careers and the legal careers of some of their offspring.

Roger D.: Former Clark County district attorney, former Nevada attorney general and former Federal district judge; he now is a senior Federal district judge; his daughter, Mary Louise, is a pre-law student at the University of Nevada/Las Vegas.

George W.: Former member of the Nevada Boxing Commission and former Clark County District Attorney; his son, George, Jr., recently graduated from McGeorge School of Law as valedictorian and now practices law with his father in Las Vegas.

Joseph M.: Currently, and announced candidate for UNLV Board of Regents; his daughter, Helen, has served in the Nevada Assembly and now serves in the State senate; his son, Daniel, is a recent law graduate of the University of Utah; his daughter, Shannon, is studying law at George Washington University, Washington, DC.

John P.: Nevada State senator twice; unsuccessful candidate for Lieutenant Governor and Governor; his daughter, Elizabeth, practices law with her father and serves on the Young Democrats National Committee.

Thomas A.: Former Nevada State deputy attorney general; former president of the Nevada State Bar Association; currently, a Nevada State district court judge; his son, Michael, took over his father's law practice when he became a judge.

As you can see, the accomplishments of this family are many, and there is no indication of anything but even more outstanding contributions in the future for the State and the Nation. That is why it is a special privilege for me to have had a part in the renaming of the Federal building in Clark

County, which will be known as the Foley Federal Building and U.S. Courthouse.■

#### EUROPE'S HIGH-TECH DELUSIONS

#### HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

■ Mr. RITTER. Mr. Speaker, I would like to share with my colleagues a recent article from the Wall Street Journal by Peter F. Drucker. The article strongly supports the "targeting the process of innovation" type of tonic that our House task force on high technology initiatives is prescribing to strengthen U.S. industrial competitiveness. Mr. Drucker presents a very compelling case for why our approach is right for the United States with its large entrepreneurial economy but wrong for Europe.

#### EUROPE'S HIGH-TECH DELUSION

(By Peter F. Drucker)

High-tech entrepreneurship is all the rage in Europe these days. The French have funded a high-powered ministry that will make the encouragement of high-tech entrepreneurship a top government priority. The West Germans are starting up venture-capital firms on the U.S. model and are talking of having their own Silicon Tal, or valley. They have even coined a new word—*Unternehmer-Kultur* (entrepreneurial culture)—and are busy writing learned papers and holding symposia on it. Even the British are proposing government aid to new high-tech enterprises in fields such as semiconductors, biotechnology or telecommunications.

The Europeans are right, of course, to be concerned about the widening high-tech gap between themselves and their U.S. and Japanese competitors. Without indigenous high-tech capacity and production, no country can expect to be a leader any more. And yet, the European belief that "high-tech entrepreneurs" can flourish, all by themselves and without being embedded in an entrepreneurial economy, is a total misunderstanding.

One reason is politics. High-tech by itself is the maker of tomorrow's jobs rather than today's. To provide the new jobs needed to employ a growing work force a country needs "low-tech" or "no-tech" entrepreneurs in large numbers—and the Europeans do not want these. In the U.S., employment in the Fortune 1,000 companies and in government agencies has fallen by six million people in the past 15 to 20 years. Total employment, however, has risen to 106 million now from 71 million in 1965. Yet high-tech during this period has provided only about six million new jobs—that is, no more than smokesack industry and government have lost. All the additional jobs in the U.S. economy, in our words, have been provided by "middle-tech," low-tech and no-tech entrepreneurs—by makers of surgical instruments, of exercise equipment for use in the home, of running shoes; by financial-service firms and toy makers; by "ethnic" restaurants and low-fare airlines.



## POLITICAL REALITIES

If entrepreneurial activity is confined to high-tech—and this is what the Europeans are trying to do—unemployment will continue to go up as “smokestack” industries either cut back production or automate. No government, and certainly no democratic one, could then possibly continue to subordinate the ailing giants of yesterday to an uncertain high-tech tomorrow. Soon, very soon, it would be forced by political realities to abandon the support of high-tech and to put all its resources in defending, subsidizing and bailing out existing employers and especially the heavily unionized smokestack companies. The pressures to do that are already building fast.

In France, the Communists recently pulled out of the government over this issue. President Francois Mitterrand's own Socialist Party, especially its powerful and vocal left wing, is also increasingly unhappy with his high-tech policies. They are also increasingly unpopular, moreover, with large employers. Indeed it is widely believed that the French right, in its attempt to regain a majority in the 1986 parliamentary elections, will make a reversal of Mr. Mitterrand's industrial policy its main plank and demand that France give priority to employment in existing industries and scuttle high-tech entrepreneurship. This already is the program of the National Front, a rapidly growing far-right party.

In West Germany, demands to shore up old businesses to maintain employment, and to deny access to credit and capital to new entrepreneurs, are growing steadily. Banks are already under some pressure from their main clients, the existing businesses, which expect them not to provide financing to any conceivable competitor—and in West Germany the banks are the main channel for capital and credit, if not the only one. Even in Britain, there is growing pressure on Prime Minister Margaret Thatcher—especially from back-benchers in her own Conservative Party fearful of their fate in the next election—to forget all the big plans for encouraging high-tech entrepreneurship and to concentrate instead on bolstering the ailing old industries.

There is a subtler but perhaps more important reason why high-tech entrepreneurship won't work except in a much broader entrepreneurial economy. The necessary social support is lacking. High-tech entrepreneurship is the mountaintop. It must rest on a massive mountain—middle-tech, low-tech, no-tech entrepreneurship pervading the economy and society.

In the U.S. 600,000 businesses are now being founded each year—about seven times as many as in the booming 1950s and 1960s. But no more than 1.5% of those—about 10,000 a year—are high-tech companies. The remaining 590,000 new ventures each year range from no-tech—the new ethnic restaurant or a garbage pick-up and disposal service—to such middle-tech concerns as a small robotized foundry for special-purpose non-ferrous castings. Without these, however, the high-tech ventures would be stillborn. They would not, for instance, attract high-caliber workers.

In the absence of an entrepreneurial economy, scientists or engineers would then prefer (as they still do in Europe) the security and prestige of the “big-company” job. And high-tech venture equally needs accountants and salespeople and managers—and none of them would want to work in small, new enterprises, high-tech or not, unless it became the accepted thing to do, if

not indeed the preferred employment. Thirty years ago such people in this country also looked to the big established company—or to government—for their job and career opportunities. That they are now available to the new venture, despite its risks and uncertainties, is what has made possible our entrepreneurial economy and the jobs it creates.

But the impetus for this did not come from glamorous high-tech. It came from a multitude of quite unglamorous but challenging jobs with good career opportunities in all kinds of totally unglamorous low-tech or middle-tech business. They require a massive entrepreneurial economy. High-tech provides the imagination, to be sure; but other firms provide the daily bread.

And then also, no-tech, low-tech and middle-tech provide the profits to finance high-tech. Contrary to what most people believe, high-tech is distinctly unprofitable for a long time. The world's computer industry ran at a heavy overall loss every year for 30 years; it did not break even until the early 1970s. IBM, to be sure, made a lot of money; and a few other—primarily U.S.—computer makers moved into the black during the 1960s. But these profits were more than offset by the heavy losses of the big electric-appliance makers: GE, Westinghouse, Siemens, Philips, RCA and others. Similarly, it will be at least another 10 years before either the biogenetic industry or robot makers as a whole break even—and probably just as long before the micro-computer industry overall makes any money. During that period the no-tech, low-tech and middle-tech ventures provide the profit stream to finance the capital needs of high-tech. Without them there is unlikely to be enough capital available.

## THE BABY-BOOM EFFECT

So far, however, there is little recognition of these facts to be found in Europe—and none among European governments. Things may change. Our own entrepreneurial surge started some 15 years ago. Western Europe is by and large some 15 years behind the most important U.S. demographic trends—the baby boom, the baby bust and the explosion in college education.

In the U.S., these very trends are probably contributing factors in the renewal of entrepreneurship. With the tremendous number of educated baby boomers already in good jobs, opportunities in the big companies and in government are beginning to be scarce and young people entering the labor force are willing and eager to join small and new ventures. In Europe, this baby boom is just hitting the market.

So far, however, European governments are still hostile to entrepreneurs other than in high-tech areas (in France contemptuous to boot). European tax laws, for instance, penalize them and restrict their access to capital and credit. But European society also discourages people, and especially the educated young, from doing anything so “uncouth” as going to work in anything but a government agency or a big, established company. Unless this changes—and so far there are few signs of this—the infatuation with high-tech entrepreneurship will neither revive the ailing European economies nor even provide much high-tech. It must end the way an earlier European high-tech infatuation, the Concorde, ended: a very little *gloire*, an ocean of red ink, but neither jobs nor technological leadership.

(Mr. Drucker is Clarke professor of social sciences at the Claremont Graduate School.)

## BALL'S BLUFF—A SMALL BATTLE WITH LARGE CONSEQUENCES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. WOLF. Mr. Speaker, on Saturday, August 18 dignitaries, local and State officials, and citizens gathered on the courthouse lawn in Leesburg to commemorate the acceptance of Ball's Bluff battlefield as a national historic landmark. The ceremony was highlighted with a keynote address from the Honorable Endicott Peabody, former Massachusetts Governor and Harvard University president. Governor Peabody, who called the Battle of Ball's Bluff a “very small battle with very large consequences,” gave a descriptive account of the October 21, 1861, battle. I insert the text of Governor Peabody's speech at this point in the RECORD for the benefit of all who have an interest in this historic landmark:

The text follows:

## BALL'S BLUFF—A SMALL BATTLE WITH LARGE CONSEQUENCES

(By Endicott Peabody)

Thank you Judge Hannum. I am complimented to have been invited to speak on the occasion of the preservation of Ball's Bluff Battlefield here in Leesburg, Virginia as a National Historic Landmark. The gratitude of this nation is owed to a small group of patriots who worked in the shadows without recognition and many without compensation to bring this about. They are: Frank Raflo, Loudoun County Board of Supervisors; John Devine, Loudoun County Historical Society; Hugh Harmon, Assistant Director of Economic Development; Tom Nalls, Attorney for the Beus Corporation; Ed Bearss, Chief Historian of the Department of the Interior; Russ Dickenson, National Park Service Director; Jerry Rogers, Associate Director of Cultural Resources-Department of the Interior; Honorable John Hannum, U.S. District Judge, whose inspiration and drive crowned all other efforts to bring this occasion about today.

We should also be indebted to the Beus Corporation which donated 61 acres for this purpose; Cecil Culbertson, 11 acres; and, of course, the Veterans' Administration who donated the original 6 acres of the National Military Cemetery here at Ball's Bluff; amounting to a total of 78 acres for the National Historic Landmark.

Also, we should be indebted to a distinguished group of scholars and authors who, in recent years, have shed new light on one of the smallest battles with the largest consequence in the Civil War: Dr. Joseph Harsh, George Mason University Department of History; General Joseph Patch, author of the narrative on Ball's Bluff; Dr. Edward Bearss, Department of Interior and Rowena Reed, author of Combined Operations in the Civil War.

It is ironic that we should commemorate—back to back—the Normandy invasion on June 6 and the Battle of Ball's Bluff today; perhaps the best and the worst examples of an amphibious assault on hostile soil by U.S. troops.

We should compare the vast armada of every kind of naval vessel and landing barge, equipped to deliver an enormous number of troops in a hurry over a broad extent of beaches with the miserable makeshift scows and skiffs used by the Union Army at Ball's Bluff to cross the Potomac. To transport two thousand troops over the Potomac from the Maryland banks to Harrison Island in the middle of the river were two scows—later increased to three—from the C&P canal, which could handle 45 to 60 men each and had to be poled laboriously across the river. Then again, from Harrison Island to the Virginia banks there was only one scow that could handle 60 men; one lifeboat to hold 15 men; and a small skiff which could hold only 4 or 5. Only the skiff had oars. The other vessels also had to be poled over the river and were without any crew assigned to them.

As a result, the commanding officer of this invasion force—Col. Edward Baker, a distinguished U.S. Senator and formerly nominator of Abraham Lincoln at the Republican Convention in Chicago—became preoccupied for over three hours with overseeing the transportation of his troops with inadequate vessels over two rivers before taking command of the battlefield. This he was unable to do until well after troops had been landed—at about two o'clock on the afternoon of October 21—by which time it was almost too late to exercise any discretion, hemmed in as he was by the advance of southern troops. Moreover, no personnel were left to handle the boats, to return wounded, or to bring reinforcements.

From this major error Col. Baker soon committed yet another. Unlike the courageous troops on Omaha Beach who, despite being pinned down by enemy fire, launched an attack to secure themselves on better ground, in this case, as General Patch has noted,

"No attempt was made to seize the ground which commanded the whole battlefield. It was not held by the enemy, and it is almost impossible to conceive why no attempt was made to take it."

This then was a double prescription for disaster which did not take long to evolve. At 2:30 p.m. on October 21, the commanding Confederate General, "Shanks" Evans, a rough and ready soldier, attacked, having by this time placed his troops on the important ground surrounding Union troops on Ball's Bluff. Southern troops engaged were the 17th and 18th Mississippi Infantry Regiments, the 8th Virginia Infantry Regiment and Jenifer's Cavalry Battalion. Both sides fought gallantly, but the result was inevitable. Colonel Baker, who undermined his duties of command by trying to service a cannon, whose crew had been disabled, soon was killed himself up front with his troops. There was confusion as to who should succeed him, during which time two plans of retreat were offered and neither were adopted. By nightfall on this autumn day, the Union forces had been driven into the river and the battle was over.

Casualties for the invading force were frightful. Of the less than two thousand troops engaged from the Fifteenth and Twentieth Massachusetts Regiments, the California First, and the New York Forty-second Infantry, forty-nine were killed; One hundred fifty-eight were wounded; and over seven hundred were either drowned or imprisoned. For weeks later, bodies of Union soldiers drifted down the Potomac, an all too pregnant reminder of the tragedy which had ensued. This should be measured

against forty killed; one hundred thirteen wounded; and two imprisoned by the South, which had committed an equal amount of troops to the battle.

To better understand why and how Ball's Bluff occurred, history tells us now what the North could not understand nor accept at the time. In losing its top military officers to the South at the outset of the war, northern military and political leaders spun about in confusion over what strategy to use to reclaim the southern states which had rebelled. General Scott, the aging and decrepit commanding general, though still sharp of mind, had devised the Anaconda strategy of blockade, which would have divided the South along the Mississippi river and blocked all its ports.

When General McClellan arrived in command, he would have supplemented this strategy by development of a massive army, not to be used in battle, but to cow the South into submission. At the same time, he planned to engage in combined operations on the circumference of the Confederacy in order to paralyze Southern internal railroad networks and communications.

Unfortunately, this wise strategy did not meet the popular demand for a quick close to the war which required early military action. As Rowena Reed tells us in her "Combined Operation of the Civil War":

"The United States has traditionally been unable to sustain a protracted war unless its forces are continually engaged in conspicuous action leading to an unbroken series of victories."

First Manassas was intended to be the first of the unbroken string. It was the first disaster. This brought to the fore General McClellan. Ball's Bluff was meant not to be an attack in force, but "a slight demonstration" to satisfy northern demands for military action. It certainly was not intended to be an assault which, in the ensuing disaster following on the heels of Manassas, changed the course of the war.

And change the course of the war it did! The reaction was immediate and swift, with a demand for vengeance against those leaders who were responsible for the debacle. This was not at first easy to determine, particularly since Col. Baker, himself the chief cause of the debacle, had been killed and at the time martyred as a result of the engagement.

The first to go was General Scott himself, the Commanding General, who before the end of October was retired for good and sent home, leaving in charge General McClellan, who through this disaster had sown the seed for his own downfall a year later.

Second was the creation by the Congress of the Joint Committee on the Conduct of the War to investigate not only Ball's Bluff and Manassas but any other aspect of the war which concerned it. This was headed by Senator Wade of Kansas, a radical Republican. He used this Committee as a means to manipulate, not only the General, but President Lincoln himself in the direction the radicals wished to pursue the war.

The third result was the sacking of General Stone, the Commanding General of the Corps of Observation, under whom Col. Baker served the treatment of General Stone by the Lincoln administration is one of the sorriest episodes of the war. After an intensive investigation by the Committee on the Conduct of the War, he was, on the initiative of Secretary Stanton, followed through by Gen. McClellan, arrested and imprisoned in solitary confinement for over

six months without any charges leveled against him. While he was then released and permitted to return to duty, he was never able to overcome the blot on his record or to meet any charges against him. He eventually resigned his commission and left the country only to return, before his death, to lay the engineering foundation for the Statue of Liberty some forty-five years later.

Fourth, it all but destroyed, for a time, the Anaconda strategy initiated by General Scott and substituted therefore a war of invasion and military battles bringing about large losses of life and an embitterment which is still evident in many places one hundred twenty-five years later.

Finally, it strengthened the abolitionist wing of the Republican party and channeled the war which before had been one to attempt to reunite the North and the South, toward one for the immediate elimination of slavery and the submission of the South. In this effort, Governor Andrew of Massachusetts took an active role. He was considerably concerned by the active effort by Union generals ordering Massachusetts troops to maintain the Fugitive Slave Law, Governor Andrew's differences with General Stone and General McClellan are best illustrated over a promotion Governor Andrew believed he made in haste after Ball's Bluff of an officer who allegedly, under orders, returned a fugitive slave to the owner.

Governor Andrew sharply queried General McClellan in a letter which subsequently was placed before President Lincoln:

"Am I to understand it is wrong not to promote volunteer officers who, in pretended obedience to Army orders, break the laws in super-serviceable police work in aiding the pursuit of fugitive slaves?"

Wounded in the battle was a young officer in the Twentieth Regiment of Massachusetts Volunteers, who would later become Chief Justice of the Supreme Court of Massachusetts and thereafter one of the pre-eminent Justices of the Supreme Court of the United States—Oliver Wendell Holmes, Jr.

Over twenty years after the war, Holmes had this to say of those engaged against one another:

"The soldiers who were doing their best to kill one another felt less of a personal hostility, I am very certain, than some who were not imperilled by their mutual endeavors. I have heard more than one of those who had been gallant and distinguished officers on the Confederate side say they had no such feelings. I know that I and those whom I knew best had none. We believe that it was most desirable that the North should win; we believe in the principle that the Union is indissoluble; we, or many of us, also believe that the conflict was inevitable, that slavery had lasted long enough. But we equally believe that those who stood against us held just as sacred convictions that were the opposite of ours, and we respected them as every man with a heart must respect those who give all for their beliefs."

Why do we honor this senseless loss of the cream of manhood of both North and South? Why do we come here today to preserve the battlefield where this carnage took place? It's not because we believe in war, rather the opposite. It's not because we wish to preserve the differences between the North and South, we are intent on overcoming them.

I believe it's because that out of this crucible was forged a greater, stronger, and more



democratic nation—which since that final day at Appomattox Court House has carried the torch of freedom throughout the world—and which eventually without resorting to a war which would end everything may make possible for every human in God's world the right to develop himself and herself to the maximum of which they are capable in peace and freedom. Holmes, wounded at Ball's Bluff, and again at Chancellorsville and Antietam, emerged to embolden for us all a standard to live by:

"To ride boldly at what is in front of you be it fence or enemy; pray, not for comfort, but for combat; to remember that duty is not to be proved in the evil day, but then to be obeyed unquestioning; to love glory more than the temptations of wallowing ease, but to know that one's final judge and only rival is oneself. For high and dangerous action teaches us to believe as right beyond dispute things for which our doubting minds are slow to find words of truth. Out of heroism grows faith in the worth of heroism. The proof comes later, and even may never come."

It is for all these reasons why the battleground of Ball's Bluff should be consecrated and preserved and take its place in the ranks of our famous battlefields, and why we are here today.

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#### WOMEN PAY THE PRICE OF HEALTH INSURERS' DISCRIMINATORY POLICIES

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Ms. MIKULSKI. Mr. Speaker, those of us who support H.R. 100, the Non-discrimination in Insurance Act, have listened with interest to the arguments of the insurance industry. The

power of actuarial figures sometimes seems omnipotent. But in this case, when they try to convince us that women should pay more than men for health coverage, the insurance industry turns out to be quoting inconclusive and inconsistent data. In a recent column in the Washington Post, Jane Bryant Quinn outlines the bitter truths about the society of actuaries' figures, upon which the insurance companies rely.

Regardless of the short-term success of H.R. 100 and the National Organization for Women's Lawsuit Against Mutual of Omaha, the question of nondiscrimination in insurance will continue to confront us. In the resolution of this problem, we need to scrutinize the so-called facts of the matter. Quinn provides us with a healthy dose of cynicism about actuarial data. I call my colleagues' attention to her excellent article:

#### WOMEN PAY THE PRICE OF HEALTH INSURERS' DISCRIMINATORY POLICIES (By Jane Bryant Quinn)

It's really true: Women pay drastically more than they should for health insurance. The industry claims that women deserve to pay more because they cost more to cover. But the published data behind this claim won't withstand scrutiny. The books look cooked; someone ought to sue.

Happily, someone has. In Washington, D.C., the National Organization for Women just brought a landmark lawsuit against Mutual of Omaha, complaining that its sharply higher rates for women violate the District's public-accommodations law, which specifically abjures insurers not to discriminate on the basis of sex.

If NOW wins—and I'm cheering for it—cases could be brought in other states. A series of wins would save a fortune for married couples and single women who have no employer-paid health insurance, and so have to cover themselves with individual policies. Right now, a woman's health insurance—even without pregnancy benefits—can cost 60 percent more than it costs a man.

At Mutual of Omaha, a woman is charged \$1,149 for a medical-expense policy that would have cost a man only \$692. A woman's disability policy costs \$596 when a similarly situated man would have paid only \$313. These high costs mean that many single women and married couples, who have modest income, have to go without good insurance, because they can't afford it. This unfair discrimination endangers their health.

Industry spokesmen agree that it's discrimination, all right, but not unfair discrimination. Women's hospital claims are higher, they say, so it's fair for insurers to charge them more. I concede that I was beguiled by an actuary at an early age and have always had a weakness for their numbers. But it just goes to show you how easily good girls can be led astray. Here are some bitter truths:

(1) The industry's font of wisdom is the Society of Actuaries, which blesses the data on which health insurance rests. But listen to the conclusion of its most recently published study, covering health claims for 1977-78:

"Claim costs for females are lower than those for males above age 50," it finds. "The relationship between male and female claim

costs under age 50 is not clear. For some (age groups) costs for males are higher; for others, costs for females are higher." And even when higher, they are only slightly higher.

Actuary Peter Thexton of the Health Insurance Association told my associate, Virginia Wilson, that he thinks the 1977-78 data is peculiar. Earlier studies showed women costing more, he says and so will the 1979-80 data when it comes out. (The newest data isn't available to be double-checked.)

What I find peculiar is that HIA sent me older data to "prove" its claim that women cost much more, and concealed the newer data that says otherwise. It took some real digging to find the facts.

Mutual of Omaha says its "sound" rating system is based on industry data (but obviously not its latest data) and on internal, company statistics not made public—hence uncheckable.

(2) The industry's published data is so unscientific that it wouldn't stand up in a high school math class. It's based on information voluntarily given by only six or fewer health insurers, out of nearly 900 companies selling health insurance in America. And it's drawn only from buyers of individual policies, which is a small part of the market. The study is "not a random sample and not without its bias," Thexton concedes.

(3) Statistics on hospital stays show that women go to the hospital more than men, and for a good reason: They have babies more often than men do. Not counting maternity, both sexes are about the same. Yet even without maternity benefits, women's policies are vastly higher-priced. Health statistics show that women stay in the hospital longer for some specific ailments, but the HIA has no comprehensive study.

(4) The vast majority of health and disability insurance is already sold on a unisex basis—that is, women are charged the same as men. This includes all group health policies, which make up 85 percent of the market (employers would never stand for paying unnecessarily high rates for their employees); 24 percent of the health policies sold individually; 10 percent of the individual disability policies and virtually all of the policies sold to people over age 65 to fill in the gaps in Medicare.

So the industry obviously can prosper on fair and equitable unisex rates. Only the retrograde holdouts still charge women more—and maybe the lawsuit from NOW will help put an end to it.●

#### MX AS RX FOR PEACE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. HUNTER. Mr. Speaker, on the Op-Ed page of the September 17 Wall Street Journal, one of my constituents, U.S.G. (Oly) Sharp, Admiral, USN, retired, details why the MX is truly a Peacekeeper. I am therefore enclosing his remarks for the RECORD, as they are worth everyone's consideration.

#### THE MX AS RX FOR PEACE

Your editorial of Aug. 30 "All MX'd Up" elaborated the problems with the MX with-

out explaining its advantages. The Scowcroft Commission reported:

"The Soviets probably possess the necessary combinations of ICBM numbers, reliability, accuracy, and warhead yield to destroy almost all of the 1,047 U.S. ICBM silos, using only a portion of their own ICBM force. The U.S. ICBM force now deployed cannot inflict similar damage, even using the entire force. Only the 550 MIRVed Minuteman III missiles in the U.S. ICBM force have relatively good accuracy, but the combination of accuracy and yield of their three warheads is inadequate to put at serious risk more than a small share of the many hardened targets in the Soviet Union. Most Soviet hardened targets—of which ICBM silos are only a portion—could withstand attacks by our other strategic missiles."

The U.S. deterrent is no longer credible in view of Soviet preemptive counterforce capability. Effective deterrence requires us to have a survivable system able to put at immediate risk installations which the Soviet leaders value most. Those include superhardened command bunkers, missile silos, nuclear weapons storage and other tools of control.

Thus we need a missile that can be fired quickly after an attack and destroy hardened targets. The only one that can provide this capability soon is the MX—if deployed in a survivable mode.

The MX is too important to our deterrence to leave it unprotected when we can protect it with a ballistic missile defense (BMD) system. Since 1972, when the ABM Treaty was signed, there has been considerable research in the BMD systems. We have made substantial progress in designing BMD systems to handle the nuclear environment, to intercept large numbers of re-entry vehicles and to discriminate decoys. We can produce a BMD system giving the MX a much better than 50% chance of surviving even a massive attack. A 50% chance of survival for the MX is all we need to create the uncertainty of first strike success in the Soviet mind that is the essence of deterrence.

The MX should be our highest priority strategic offensive weapon and BMD for it should be next highest. The 1977 ABM Treaty permits ballistic missile defense for one ICBM field. The MX should qualify; if not, the Treaty should be abrogated, as it can be with six months notice.

One hundred MX missiles that could survive a first strike would deter the Soviets from an attack on either the U.S. or our allies. At the same time 100 MXs would not give us first strike capability and thus could not be considered provocative.●

#### FACTS FOR THE PRESIDENT'S FABLE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. EDWARDS. Mr. Speaker, today's Los Angeles Times contains a fascinating op-ed by Dr. Joseph M. Giordano, the surgeon whose medical skills saved President Reagan's life and who was the subject of a tale the President told at the recent National Italian-American Foundation dinner.

I'm sure my colleagues will find it of immense interest.

[From the Los Angeles Times, Sept. 18, 1984]

#### FACTS FOR THE PRESIDENT'S FABLE

(By Joseph M. Giordano)

In a dramatic conclusion to his speech at the National Italian-American Foundation in Washington Saturday night, President Reagan told the following story of an immigrant whose son realized the American dream:

"Decades and decades back, there was an Italian immigrant who came to America, and he started a family and worked hard and raised his children as best he could. One of his sons became a milkman.

"He, too, worked hard and married and had a family. And the milkman raised his children as he had been raised: They were taught to respect honesty, decency and hard work. They struggled to make ends meet. All of their money went to the education of their children. They put one son through college, and when he wanted to be a doctor, they put him through medical school. Because of their diligence, the son became a prominent surgeon in a great hospital.

One day that surgeon—that son of a milkman—saved the life of a President of the United States who had been shot.

"I know this story because I was the patient. . . ."

I know the story, too, because I was the doctor. As head of the trauma team at George Washington University Hospital I gave the President emergency treatment when they brought him there after he was shot in the chest in an assassination attempt on March 30, 1981. I still remember Reagan, despite the pain and stress, jokingly saying to the doctors, "I hope you're all Republicans."

I'm a Democrat, but I told him, "We're all Republicans today, Mr. President."

The President's remarks at the Italian-American dinner accurately describe my family's path to success and correctly identify us as being among the millions of Italian-Americans who have realized the American dream. Hard work, perseverance, strong family units and confidence in self were the basic tools used to overcome the deficiencies inherent in their immigrant status. This cycle from immigrant to middle class to professional status has been repeated many times over the last 50 years.

My family and I are proud of the President's comments. Nevertheless there is another part of the story.

The government social programs enacted over the last 50 years—and so frequently criticized by this President and his Administration—have played a vital role in making this success possible. Although my father bore the brunt of the expense, I received low-interest government loans to help finance part of my medical school education. Many colleagues of mine received even greater government assistance in their education.

And my profession, stimulated by generous federal funding for biomedical research, has made unprecedented progress in diagnosis and treatment of disease in the last 30 years.

In contrast to the President, who feels that government programs make people so dependent that they lose initiative, I feel that these programs have enabled people with little resources to reach their full potential.

These programs are so numerous it would be impossible for me to mention them all.

They range from Headstart to housing for the elderly. My parents enjoy a deserved retirement helped by Social Security, and my father has more than once benefited from the Medicare program.

Even the civil-rights legislation of the 1960s, although primarily designed to guarantee equal rights for blacks, has aided Italian-Americans and other ethnic and racial groups by making discrimination not only illegal but also socially unacceptable.

It is to be hoped that the President will recognize that millions of other Americans possess the same potential as Italian-Americans. Some will make it on their own. Others will need help. I hope that the government will not abandon the commitment that has meant so much to me and my family.●

#### A HOLOCAUST MEMORIAL

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. BOEHLERT. Mr. Speaker, this Sunday, members of the Utica community will gather solemnly at the Temple Beth El Cemetery to dedicate a Holocaust Memorial.

It is a ceremony that should command our attention.

Each time the Holocaust is remembered—anywhere—we should all feel drawn to the observance. We must, for all of us share the awesome responsibility of ensuring that such genocidal terror is never again unleashed.

Even now it is impossible to comprehend the magnitude of the Holocaust. Six million Jews were marched off to death because of something as commonplace as bigotry.

Each year, more books about the Holocaust are published—memoirs, histories, analyses. Most recently, we have been presented with a chronicle of life in the Lodz ghetto—a tale of the often heroic struggle of a community to preserve the pattern of everyday life while the Nazis slowly and ever more brutally tightened the noose around the village. It seems that the more we know about the Holocaust, the more impossible it is to fathom.

So what are we left with when we bear witness to this incomprehensible tragedy? Surely, one message is our collective responsibility to be ever watchful.

Someone once wrote of the Holocaust: "First the Nazis came after the Communists, and I did not say anything because I was not a Communist. Then the Nazis came after the Jews, and I did not say anything because I was not Jewish. Then the Nazis came after the Catholics, and I did not say anything because I was not Catholic. And then the Nazis came after me—and there was no one left to say anything."



In a week, Jews in my community and throughout the world will celebrate the New Year, which is also called Yom Ha-Zicharon, the Day of Remembrance. As that day approaches, the experience of the Holocaust gives us all something to remember—and ponder.●

#### SALUTE TO CIVIL SERVANTS

**HON. HAL DAUB**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 18, 1984*

● Mr. DAUB. Mr. Speaker, last week the Office of Personnel Management announced that Federal employees, through their individual ideas, inventions, and performance, saved American taxpayers \$1.3 billion in fiscal year 1983.

I take this opportunity to commend this outstanding contribution to fiscal responsibility and efficiency.

The Federal employee often serves as the politicians' whipping boy; however, these savings, reported under the Federal Incentive Awards Program, underscore how unfair that practice is. When we strive to reform the system, to make it more efficient and responsive, we must remember that the system is comprised of professional and talented men and women who are dedicated to public service. Time and again, our Nation's civil servants show that they are our allies, not our adversaries, in making Government work for the people.

Since 1980, Federal employees have been cited for saving taxpayers more than \$5 billion; this is tangible evidence of the fact that we benefit by having the most skilled and effective Government work force in the world. This impressive performance merits widespread public recognition, and I urge my colleagues to share it with their constituents.●

#### THE NEED FOR PUBLIC FINANCING OF CAMPAIGNS

**HON. RICHARD L. OTTINGER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 18, 1984*

● Mr. OTTINGER. Mr. Speaker, for years now, I have been speaking out on the dangerous influence political action committees are having on our electoral system, and the need for public financing of campaigns. This year, once again, PAC's will disproportionately influence the outcome of both the congressional and Presidential races. The strength of PAC's is now greater than ever—over 100 million dollars' worth. More than ever this body needs to address the issue of influence-buying by PAC's, or run the

risk of losing forever the public's confidence in our system of governing.

My good friend, Johnny Oakes, the former senior editor of the New York Times, recently addressed this issue on the Times' op-ed page. I commend the article to the attention of my colleagues.

The article follows:

[From the New York Times, Sept. 6, 1984]

THE PAC-MAN'S GAME: EATING LEGISLATORS

(By John B. Oakes)

CHILMARK, MASS.—Woman power, black power, ethnic power—the popular buzz words of 1984. But there's another kind of political power that is more important than any of them, attracts little public attention and yet, in the current Congressional campaign, poses an immediate and growing threat to the American representative system. It's money power.

It shows itself principally in the explosive growth of political action committees in both numbers and dollar throw-weight. Registered PAC's—set up by corporations, labor unions, professions and virtually every other kind of private-interest group, as well as so-called independent PAC's—have in 10 years multiplied from 600 to 3,600, a sixfold increase. The amount of dollars they disperse in Congressional elections has jumped from \$12.5 million in 1974 to an expected \$120 million this year, a tenfold increase.

The PAC handouts on a newly gigantic scale are only the most spectacular form of legalized bribery of members of Congress. The "honorarium," which should be called the "dishonorarium," is another.

It is commonplace for a member of Congress to rent himself out to a lobbyist for up to \$2,000 a throw to sit around a luncheon or dinner table in Washington as a so-called guest for an intimate chat with a few of the lobbyist's prestigious clients. Some \$4.5 million in "honorariums" for this and fancier kinds of private services, such as visits to arms plants, were paid to members of Congress in election year 1982 by special interests.

The increase in PAC and honorarium handouts reflects the insanely escalating costs of Congressional campaigns. In 1982, those costs reached an average of \$200,000 per House race and \$1.7 million for the Senate. This year, the averages will go vastly higher, especially in the Senate: the Helms-Hunt contest in North Carolina already has cost \$12 million; the Percy-Simon battle in Illinois, \$5 million; and John D. Rockefeller 4th, in West Virginia, by now has spent \$5 million all by himself.

In 1982, political action committees met nearly 20 percent of senatorial candidates' expenses, 33 percent for the House. In many individual cases, of course, the percentages were and will be far greater, leading to virtual ownership of candidates by groups of PAC's.

Common Cause, the nonpartisan citizens' group heading the fight to control campaign financing, reports that three-fourths of the PAC contributions to senatorial candidates for this year have gone—typically—to incumbents. No wonder it is difficult to get PAC-control laws through Congress. Some PAC's have even threatened Congressmen with a cutoff of funds if they supported such legislation. Such a threat from Nabisco's PAC led Representative Robert G. Torricelli, Democrat of New Jersey, to reply that he hoped Nabisco's cookies were cleaner than its politics. Only in Massachusetts

have all senatorial candidates of both parties this year refused PAC contributions.

The top PAC contributors to Federal races represent the elite among private-interest lobbies: realtors, physicians and surgeons (American Medical Association), teachers (National Education Association), maritime workers, builders. After them come the auto, aerospace and food workers, mild producers and bankers. The realtors and doctors already have handed out more than \$1 million to their favorite candidates—with much, much more to come.

The crucial question is: What do the PAC's get for their money? Is Representative Leon E. Panetta, Democrat of California, right in charging: "Congress is literally being bought and sold by PAC contributions"? Here are some answers:

The champion PAC donor of all time is the A.M.A., which has handed out at least \$10 million over the years to Congressional incumbents and candidates. Together with the American Dental Association, it gave more than \$3 million in the House prior to a vote to exempt doctors and dentists from Federal regulatory jurisdiction.

The United Automobile Workers paid out nearly \$2 million in the 1982 Congressional election when domestic-content legislation was becoming a hot issue. It still is, and the PAC is going stronger then ever.

The House vote overturning a ruling to protect used-cars buyers from unscrupulous dealers following a \$1 million distribution by the dealers' PAC.

The three major dairy PAC's gave more than \$1 million to House members who voted against removing price supports—10 times as much as to those voting the other way.

The 12 members of a House subcommittee who voted to weaken the Clean Air Act got \$200,000 from the seven major industries that thought they would benefit thereby.

Representative Barney Frank, Democrat of Massachusetts, who spent \$1 million in his successful campaign, candidly says: "We are the only human beings in the world who are expected to take thousands of dollars from perfect strangers and not be affected by it."

As for the so-called honorariums, Representative Bill Chappell, Democrat of Florida and a member of the Military Appropriations Subcommittee, received \$4,000 for one day's appearance at plants of Avco, which makes engines for the M-1 tank, as well as \$2,000 from Lockheed and \$2,000 for two appearances at Pratt & Whitney.

Representative Trent Lott, Republican of Mississippi, third-ranking Republican in the House, accepted \$2,000 from Brown & Williamson, a tobacco company, to attend a seminar on tobacco. The junket included an all-expenses-paid trip with his wife to the Kentucky Derby. The examples could be multiplied ad nauseam.

The House's champion PAC beneficiary is Representative Dan Rostenkowski, Democrat of Illinois, who is chairman of Ways and Means, the tax-writing committee. He received \$168,000 from PAC's last year although, as the lively new organization Citizens Against PAC's reports, he already had a surplus of half a million dollars left over from his 1982 campaign—which he can legally transfer to his own personal bank account if and when he leaves Congress.

Obviously, special-interest groups have a legitimate place in a democracy, the right to lobby for their point of view and to contribute to their favorite candidates. The problem is not with their existence but with the

excess of power that their vastly increasing funds can buy and with the cost of campaigning, which is completely out of hand.

Costs are going to have to be controlled by law. The most effective way to do so would be to require free television time for candidates. Campaign spending and contributions will have to be tightened, as a new House bill already sponsored by more than 140 members would do.

The power of money threatens increasingly to turn members of Congress into legalized political prostitutes. It forces them to degrade themselves as they scramble for necessary—and sometimes unnecessary—funds for election and especially reelection. It drives them to sell to the highest bidder the one most easily and legally saleable product they have: access. It undermines party discipline and control worst of all, it erodes public confidence in the integrity of the Congressional system.●

#### ST. GERTRUDE'S CHURCH, WORTHY OF PRESERVATION

#### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. GAYDOS. Mr. Speaker, on Sunday, September 9, St. Gertrude's Church in Vandergrift, PA, achieved a dual milestone in its 73-year-old history.

On that date it was officially dedicated as a landmark in the National Register of Historic Places and thus became the first church in Westmoreland County to be accorded such a honor. A concelebrated mass and formal ceremony marked St. Gertrude's selection by the U.S. Department of Interior as "a cultural resource worthy of preservation" for its architectural, religious significance.

The church was erected in 1911, a project of the noted church architect, the late John T. Comes, who designed more than 40 such structures. Its 30-inch thick foundation walls rest on concrete footings 3-feet thick and dominating the entire structure are twin bell towers, 104 feet high. At the time, a local newspaper, the Vandergrift Citizen, described the new church as "a thing of beauty, and ought to be a joy for centuries, at least."

A crowd estimated at 600 persons attended the concelebrated mass said by the Most Reverend William G. Connare, bishop of Greensburg; the Right Reverend Paul E. Maher, OSB, archabbot of St. Vincent's Archabbey, and the Reverend Charles Weber, OSB, pastor of St. Gertrude's, with the Reverend Marion R. Gallo, OSB, associate pastor, assisting.

The throng was joined by another 200 people attending the formal dedication ceremony after the mass. Highlights of the program included remarks by Robert Warren of the Interior Department's National Park Service and a keynote address by Mrs. Helen

Smith, a historian, writer, playwright, and painter from Greensburg, PA.

A commemorative plaque, blessed by Bishop Connare, was unveiled by the Reverend Paschal Kneip, OSB, and Mrs. Margie Civitillo, both of whom were instrumental in initiating the process leading to St. Gertrude's nomination for the National Register.

Others on the plaque committee included James Ferraccio, president of the parish council; Eugene F. Iagnemma and Mrs. Joseph Ferrante, general chairpersons; Mrs. Civitillo, reception; James Peterman and Mrs. Louise Silware, liturgy; Mr. Iagnemma, Orlando Capretto and William O. Naccarato, program; Orlando B. Colecchi, music; John G. Dettore, Richard J. Loperfido, Debbie and Mark Maszgay, publicity; Mrs. Ferrante, Mrs. Civitillo and Miss Joann Fulgenzi, food, and Anthony and Leo Collini, Mike J. Lege and Armand Policchio, set-up.

Also participating in the dedication day program were members of the Knights of Columbus, the Rosary Society, the Catholic Daughters of America, the Holy Name Society, and the Joint Veterans of Vandergrift.

Mr. Speaker, on behalf of my colleagues in the Congress of the United States, I congratulate the parishioners of St. Gertrude's upon the selection of their church as a national landmark and I thank them for their efforts in successfully preserving a part of our Nation's past for the enjoyment of future generations of Americans.●

#### THE FEDERAL FLOOD INSURANCE PROGRAM

#### HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. ST GERMAIN. Mr. Speaker, Hurricane Diana has reminded us of the futility of overdevelopment of coastal barrier islands.

The flood insurance program was originally designed to protect victims of such storms from devastating economic losses. It was not fully anticipated when this program was begun that developers would rush to line our precious shoreline with highrise condominiums, thus altering the character of these areas.

But the power of Diana has demonstrated that man's alterations of the barrier islands cannot be permanent. Indeed, barrier islands embody the adage that everything changes except change itself.

We enacted the Coastal Barrier Resources Act in part to counteract some of the excesses of the flood insurance program. I intend to carefully monitor the implementation of the act in order to be certain that the protection which it promises is provided. No one

can deny the attraction of the sea, but we should not invest Federal dollars to insure structures built on shifting sands.

A coherent national policy regarding barrier islands is needed. The Coastal Barrier Resources Act was progress toward formulating such a policy. Whether further legislation is necessary remains to be seen. It may be that the wisest course is to let things alone, recognize that we cannot assure the permanence of these islands, and cease spending Federal funds on hopeless tasks.●

#### PLIGHT OF SOVIET JEWRY

#### HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. YOUNG of Missouri. Mr. Speaker, Soviet Jews comprise the third largest surviving Jewish community in the world. Soviet Jews have been struggling to achieve basic human rights, including the right to maintain their own religion and culture. The right to leave any country that denies one their heritage is an internationally recognized human right, yet in the Soviet Union permission to emigrate is given arbitrarily.

I believe that it is important that in the face of this wave of anti-Semitism, America must reaffirm our commitment to human rights. The U.S. Congress has been a leading supporter of Soviet Jews in their attempts to study and teach their faith.

We have held a congressional prayer vigil on behalf of Soviet Jews, but we must be sure that the vigil continues each and every day until the human rights of all Soviet Jews have been restored.

As a Member of Congress and concerned citizen, I have "adopted" a Soviet Jewish family from the Ukraine to help them fulfill their dream of emigrating to Israel.

Samuel and Manya Klinger have been trying unsuccessfully, for a number of years, to emigrate to Israel. Samuel Klinger is an agronomist from Dnepropetrovsk in the Ukraine. He and his wife, a nurse by profession, have been repeatedly denied exit visas since 1970. The only reason given by Soviet authorities has been a lack of consent from Manya's parents, who have not seen their daughter in many years. Manya, a mother herself, recently celebrated her 50th birthday.

The Klinger situation is quite pressing in that they are the only family in Dnepropetrovsk awaiting exit visas. Recently, a defamatory letter was printed in a local newspaper about the family—prompting Samuel to immediately send a letter of protest to the editor. The result was the printing of



another anti-Semitic article in the same paper.

We have asked the Soviet Government to grant this family permission to emigrate, but have received no response. There can be no doubt that by not allowing the Klingers to leave the Soviet Union, the Soviet Government is in clear violation of the Helsinki Final Act, the Universal Declaration of Human Rights, as well as their Soviet Constitution.

Surely the emigration of the Klinger family would pose no threat to the security of the Soviet Union, and instead would be a humanitarian gesture. Yet permission to leave is continually denied.

As the leader in the free world, the United States must do all that we can to protect the human rights of all people. And I urge my colleagues to continue to protest the blatant violations of human rights occurring each day in the Soviet Union.

#### THE PLIGHT OF MART NIKLUS

#### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. YATRON. Mr. Speaker, I want to take this opportunity to say a few words about Mr. Mart Niklus, an Estonian human rights activist who has been the victim of intense repression by authorities in the Soviet Union.

It is significant that we use this occasion to remember the plight of Mart Niklus. On September 22, 1984, Mr. Niklus, most likely, will be spending his 50th birthday in solitary confinement in the infamous Christopol Prison. It is also important to take a few moments to discuss the brutal Soviet reaction to the activities of Mr. Niklus, which amount simply to the exercise of his fundamental and universally acknowledged human rights.

Mr. Niklus, a highly educated and articulate individual, was first imprisoned in 1958 and sentenced in 1959 to 10 years of hard labor and 3 years of internal exile for sending photographs to a Western journalist depicting conditions in Estonia. After his release 8 years later, he was forbidden to work at his profession. As a consequence, he was unable to secure employment commensurate with his training, education, and capability.

From 1975-80 Mart Niklus was repeatedly imprisoned and his home searched. He was denounced in the Soviet-controlled press and was denied permission to emigrate to Sweden. This rough treatment of Niklus severely affected his health. He was hospitalized in 1980 with radiculitis, but was prematurely released after pressure from the KGB. The day after he was released from the hospital, Mart

Niklus was again arrested and subsequently sentenced to 10 years at hard labor and 5 years internal exile for "anti-Soviet" agitation and propaganda. Although his current condition at Christopol is fragile, the Soviets continue their harsh treatment of him.

Mr. Niklus is indeed a man of great courage, determination, fortitude, and integrity. His concern for others is manifest in his human rights work, and he has made tremendous contributions in this area. Mart Niklus has signed many appeals and statements of protests against Soviet violations of human and national rights. He has been instrumental in coordinating the various rights activists in Estonia, Latvia, and Lithuania. He has also worked closely with his friend Andrei Sakharov. A number of journalists all over the world have taken a personal interest in his case and he has been adopted by Amnesty International.

As of September 22 approaches, we should take some time to reflect on the plight of Mart Niklus so we may be ever more committed to the promotion of basic human rights for all those who suffer under oppressive and ruthless governments.●

#### TRIBUTE TO VOLUNTEERS OF THE FOURTH DISTRICT OF SOUTH CAROLINA

#### HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. CAMPBELL. Mr. Speaker, I would like to bring to your attention and the attention of the Members of this body some very special people from my district in South Carolina. Over 1,200 individuals volunteer their time to prepare and deliver meals to needy people in their communities. The Mobile Meals Program in Greer and Spartanburg and Meals on Wheels in Greenville and Union provide one hot and well-balanced meal per day to those unable to prepare, or have prepared, meals for themselves. The recipients of these meals are homebound, and this service is invaluable to their well-being.

Greer Community Ministries, Inc., operates the Mobile Meals Program in Greer, SC. Mr. Jesse E. Crim chairs Greer Community Ministries and receives valuable assistance from Evelyn Redmond and about 150 volunteers who prepare and deliver 140 meals per day, 5 days a week.

Mrs. Jayne McQueen is the executive director of Mobile Meals Service of Spartanburg, SC, Inc. Over 700 volunteers serve 720 meals 5 days a week to citizens throughout Spartanburg County.

Bonnie Johnson directs the newest program in the Fourth District. Meals

on Wheels of Union is seeking to meet the needs of the homebound of Union County and delivers about 60 meals per day. With the help of humanitarians such as Agatha Burgess, this service will continue to grow.

Meals on Wheels of Greenville is directed by June Durham. Aided by Westminster Presbyterian Church and hundreds of volunteers, over 700 meals per day are prepared and delivered.

Mr. Speaker, the efforts of Mobile Meals and Meals on Wheels are to be applauded. But it is the dedication of the volunteers that is the backbone of these programs. They seek no public attention for themselves, but only to provide human contact and friendship to others. Furthermore, the meals they deliver and the attention they give to the recipients' well-being keep many persons from being institutionalized needlessly and allow them to live independently as long as possible.

Also, all funding for these programs is provided by the private sector. Individuals and businesses invest in their communities and offer the capital necessary to operate these programs.

Mr. Speaker, I am proud that these extraordinary citizens reside in my congressional district. Their selflessness is an example to us all. I am pleased to offer, in this small way, the recognition they so rightly deserve.●

#### A TRIBUTE TO PRINCETON HIGH SCHOOL

#### HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. LUKEN. Mr. Speaker, I am very honored that a school from the First District of Ohio, the Princeton High School, has been selected to receive the "National Secondary School Recognition Programs Award."

Princeton High School is one of 202 junior and senior high schools across the Nation to receive this award.

In determining the recipients of this award the Department of Education uses 15 criteria: clear academic goals, high expectation for students, order and discipline, reward and incentive, regular and frequent monitoring of students, progress, opportunity for meaningful student responsibility and participation, teacher efficiency, rewards and incentives for teachers, concentration on academic learning time, positive school climate, administrative leadership, well articulated curriculum, evaluative and instructional improvement, community support and involvement, progress toward excellence.

As a recipient of this award Princeton High School can be seen as a shining example to other schools on what

excellence in education is all about. I would also like to mention that Princeton Junior High School was one of 154 schools to receive the award in 1983.

The future economic vitality of our Nation depends on the quality of education today. Schools such as Princeton High School make that future one to look forward to.●

#### CABRILLO CIVIC CLUBS COMMEMORATE 50TH ANNIVERSARY

#### HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mrs. BURTON of California. Mr. Speaker, on September 21, the Cabrillo Civic Clubs of California will celebrate their 50th anniversary at the Knights of Columbus Hall in San Francisco. These clubs were organized in 1934 by a group of Portuguese-Americans and have since been involved in many admirable charitable and educational activities. The clubs are named after Joao Rodrigues Cabrilho, who was a Portuguese explorer who found his way to California in 1542, the first European to set foot on California soil.

The dinner will honor the living founders of the clubs: Manuel Reis, Joe Oliveira, Alfred Baptist, Frank Quadros, Peter Rose, Frank Jacinto, Frank Cross, Manuel Pelicas, and Antonia Resende. They and others met in San Francisco on January 29, 1984, to officially organize the Grand Council of Cabrillo Clubs of California.

The clubs have been a major fundraiser for numerous charities, including the Cancer Society, Heart Fund, Polio Foundation, Easter Seal Society, Mentally Retarded Children's Association, Cerebral Palsy, and many others.

Education has recently become a "hot" political issue; the Cabrillo Clubs have been promoting better education since their founding. In fact, one of the major principles of the club bylaws is to bring educational opportunities to young people. The clubs have done so with great dedication over the years. They collected thousands of dollars for their scholarship fund and have helped hundreds of youngsters further their education.

I am pleased to be able to bring the accomplishments of the Cabrillo Civic Clubs to the attention of my colleagues in the U.S. Congress. It is heartening for us to know that we have constituents so dedicated to helping their communities.●

#### TRIBUTE TO THE YELLOW JACKETS, HARDIN COUNTY YOUTH SOCCER LEAGUE

#### HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. NATCHER. Mr. Speaker, I would like to take this opportunity, as we pause to remember the pride and excellence exhibited in this summer's Olympic games, to congratulate another group of young athletes from my district, the Yellow Jackets of the Hardin County Youth Soccer League.

On May 27, of this year, the Yellow Jackets won the league championship by completing their season with a record of 6 wins and only 1 loss. Under the leadership of Head Coach Jerry Doss and Assistant Coaches Mike Hobbs and Steve Wiseman, these 16 young athletes, ages 12 and 13, displayed teamwork, determination, and what many of us here in Washington would call a "doghouse defense," scoring a total of 24 times this season while allowing their opponents only 11 goals.

As these outstanding players prepare for another season, some still as Yellow Jackets and some in the uniforms of local high schools, I would again like to extend my heartiest congratulations to the 1984 Yellow Jackets: Jason Baumgardner, Jeff Blankley, Russell Bennett, Jerry Carter, Terry Carter, Joe Doss, Jeff Gnerlich, Mark Hanna, John Hannifan, Jeff Hobbs, Kevin Miller, Amy Pierce, Gary Reed, Jesse Smith, Kevin Strezlec, and Josh Wiseman.●

#### PERSONAL EXPLANATION

#### HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. DONNELLY. Mr. Speaker, due to the primary elections in Massachusetts, I will be unavoidably absent from any votes that occur in the House today.●

#### A TRIBUTE TO SGT. SHIRLEY DAVIS

#### HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. BONER of Tennessee. Mr. Speaker, I am pleased to have the opportunity to pay tribute to Sgt. Shirley Davis of the Nashville, TN, Metropolitan Police Department.

Sergeant Davis has been named Woman Police Officer of the Year by the International Association of

Women Police. She was chosen from more than 100 nominees from police departments across the United States and Canada.

Sergeant Davis has handled cases involving murder, rape, drugs, sexual abuse, and other phases of law enforcement. She singlehandedly captured a bank robber, and was an important part of an investigation that led to the arrest of two brothers who were suspected of 40 to 50 burglaries and four rapes. Also, while off-duty, Sergeant Davis saved the life of a small child who was choking on a piece of bubble gum. The child's mother had tried unsuccessfully to remove the gum and was hysterical. Sergeant Davis then quickly applied pressure to the child's diaphragm, causing the bubble gum to dislodge and pop out.

Apart from her police responsibilities, Sergeant Davis has made many contributions to the community of Nashville on her own time. She has given numerous speeches relative to sexual abuse, robbery, drugs and all phases of law enforcement. She set up programs in the low-income housing areas and met with the women in the neighborhood to establish an understanding of sexual abuse, drugs and the role of law enforcement in the community.

The people of Nashville are very proud of Sgt. Shirley Davis. I ask my distinguished colleagues to join with me in honoring Sergeant Davis for her dedicated and distinguished service to law enforcement and her community.●

#### TRIBUTE TO MICHAEL JOHN DEMKO

#### HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. HARRISON. Mr. Speaker, an outstanding young man from Hazleton, PA, will be awarded the highest distinction in Boy Scouts.

Michael John Demko will receive the Eagle Scout Court of Honor at a ceremony to be held in his honor. Michael is a member of Troop 5 of Holy Trinity Roman Catholic Church. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, Michael is so duly honored.

Mr. Speaker, I join with Michael's family and friends in paying tribute to this outstanding young person.●



## CALL TO CONSCIENCE

## HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. PEPPER. Mr. Speaker, I would like to use this short time today to call to your attention and that of our distinguished colleagues a subject that needs to be understood and known by every person in this Nation who appreciates the blessings of liberty and opportunity to seek personal happiness, which Americans share to a wide extent.

This topic involves another country, a sometimes threatening and powerful adversary, herself suspicious of the motives of countries around her, and brutally mistrustful of its own citizens whom it treats with despotic carelessness and oppressive direction without sufficient respect as people.

Excessive power can lead to excesses of judgment and wasteful thinking and disrespect of the small, but sincere aspirations of the average citizen compounds that inefficiency and creates a backlash of popular resentment—a danger to that Nation and to the world which is affected by that countries' excesses and resulting instability.

That country is the Soviet Union and one of its worst excesses is the way in which it treats the aspirations of its Jewish minority who are first made to feel unappreciated and then mistreated when they apply to leave in peace to cut their losses and start afresh in a country wanting them as people, willing to give them nothing more than the opportunity to be free and use their energies for the benefit of the society in which they live.

This sort of poor judgment affects all of us because it shows the strains of a maladapted society in a particularly inhumane and noticeable way.

A particular case I have personally followed out of the thousands that are reported to us every year, involves an individual named Abba Taratuta and his family, who lives in Moscow.

His wife was a student of English who worked as a translator of scientific articles published in the West. Abba worked as a mathematician and expert in radio astronomy, when both resigned their positions and applied for an emigrant visa in May 1973. After 3 months they were refused on grounds of possessing secret information valuable to the Government. Since then they have been forced to subsist on low-paying jobs, without prospects and subject to frequent personal harassment.

Their son, Mischa was drafted into the Soviet Army in November 1981 and served 2 years, which may mean that he will know sensitive information preventing him from leaving with

his family, when they are finally permitted to go.

Abba Taratuta's wife, Ida, was forbidden from visiting the public library when she was unemployed, their apartment has been searched, and they were coerced into leaving Moscow during the Olympics in 1980 to avoid any possible contact with Western newsmen or visitors from other countries.

In June 1976, 3 years after he applied, Abba was informed that he could not receive a visa for at least 10 years. Does this mean he will not be allowed to leave until June 1986, or perhaps even later? He was not told when he would be permitted to leave. It may be never. Meanwhile, their lives grow less and less tolerable under this continuing pressure from the Government of the Soviet Union.

He is not alone. The stories appear as petty and needless exercise of official power by a group of men who exercise power for its own sake and cannot tolerate any opposition to their authority, even in the form of peaceful emigration. They deserve our contacts and concern about their cruelty. ●

MILLBRAE HISTORICAL SOCIETY  
HONORS ASTRONAUT JAMES  
VAN HOFTE

## HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. LANTOS. Mr. Speaker, I am delighted to report to my colleagues in the House that Astronaut James van Hoften has received the second Living History Award presented by the Millbrae Historical Society. The town of Millbrae—which I have the honor and privilege of representing in Congress—was the home of Dr. van Hoften, and he is a graduate of Millbrae's Mills High School.

In making this award, the society praised Dr. van Hoften for perpetuating "the American ideal while earning the acclaim of all citizens of Millbrae, California." The astronaut was involved in the first successful repair of an orbiting craft during a spacewalk.

After graduating from Mills High School, van Hoften continued his education at the University of California, Berkeley, where he received a Bachelor of Science degree in civil engineering. He also studied at Colorado State University where he received his Master of Science degree in 1968 and a Doctor of Philosophy degree in 1976, both in hydraulic engineering.

Dr. van Hoften is married to the former Vallarie Davis of Pasadena, CA. They are the parents of three children—Jennifer Lyn, Jamie Juliana, and Victoria Jane.

A lieutenant commander in the U.S. Naval Reserve, Dr. van Hoften participated and served two tours of duty in Southeast Asia, where he flew some 60 combat missions. He has logged 2,800 hours flying time, mostly in jet aircraft. He has received two Navy Air Medals, the Vietnam Service Medal, and the National Defense Service Medal.

Mr. Speaker, I am pleased to acknowledge the outstanding accomplishments of James van Hoften and the service he has performed for our Nation. The Millbrae Historical Society has honored a deserving former resident of the community in awarding Dr. van Hoften this Living History Award. ●

## DINA RASOR

## HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. LEVINE of California. Mr. Speaker, the current issue of the Washington Weekly contains an article about a remarkable woman, Dina Rasor.

Ms. Rasor heads the Project on Military Procurement. She and her colleagues at the project perform a much needed public service in their work on behalf of the men and women in uniform in the military and the American taxpayer. It is in large measure because of the work of Ms. Rasor that we are today aware of the vast scope of waste, fraud, and abuse in the military budget.

Thanks to Ms. Rasor we know the outrageous prices taxpayers pay for simple spare parts, we know that many of the weapons the Pentagon buys cannot perform up to their specifications, and we know that the military procurement process is in desperate need of major reform.

Ms. Rasor is a unique resource here in Washington. I commend the Washington Weekly's article to my colleagues, and I urge them to take the time to meet with and talk to Ms. Rasor and the other fine people at the Project on Military Procurement. Your time will be spent with a group of very helpful and talented people.

## THE WOMAN THE BRASS LOVE TO HATE

(By Stephen Klaidman)

Dina Rasor stopped off at Travis Air Force Base in California on her last trip West. While there, she took pictures and verified prices. It was hardly the usual tourist trip to the coast. But then, Rasor was not on a pleasure trip. Rasor photographed some rather unexceptional items including a ladder, a rechargeable flashlight, a drawer and a pilot's control wheel. As a result, this last week the national media was able to break yet another spare parts scandal story.

The ladder she photographed is for the C-5 cargo aircraft. It is hydraulically retracta-

ble and made of lightweight metal, almost something one might pick up at Hechinger's. It costs an astonishing \$74.165. This makes the flashlight used on Lockheed's C-5 and C-141 look like a bargain at \$170.98. The Montgomery Ward version, Rasor noted in a press release, costs \$24.99 and comes with a guarantee.

These are not the kinds of discoveries that are particularly astonishing to Dina Rasor. In fact, she is in the business of making information of just this sort available to the public. In a uniquely Washington way, her chosen instruments are the press and Congress. Each time she learns about weapons systems that do not work or cost too much, she gathers evidence like the journalist she once was and gives it to reporters or Congressional offices. The pay-off comes in the form of news items, hearings and legislation. If you hear about it, the original source is very likely Dina Rasor, a kind of politico-military Raider of the Lost Part.

Here's how Rasor says she broke the latest spare parts story:

The father of a serviceman stationed at Travis saw Rasor on television and wrote down the name of her organization, the Project on Military Procurement. He passed it on to his son, who had told him about the waste and fraud he had observed while on duty with the Air Force. But his son lost the group's name for about a year.

When he found it about three months ago, he got in touch with Rasor, who met him in a restaurant near the base. He brought documents that she said "were some of the best I'd ever seen." She asked him if he knew anyone else who might have similar information and documentation. He said he didn't think so, but a couple of days later he met another serviceman who was planning to go to a newspaper with a similar story. Source No. 1 then persuaded soon-to-become Source No. 2 to go to Rasor instead.

"My husband and I drove out to the base and met him at Winchell's Donut Shop," Rasor said, adding that, "I always get to go to these exciting places." They spent four hours over donuts and coffee looking at material that Rasor says was "better than what the first guy had."

She took the material back to Washington and showed it around to her sources here to determine that it was genuine. She then received an invitation from Source No. 2 to spend a day with him on the base taking pictures and checking prices on the base's microfiche file. She called Bernie Ward, an aide to Rep. Barbara Boxer (D-Calif.), who happened to be visiting his parents in San Francisco, and he agreed to accompany her.

Both of them went out to Travis and Source No. 2 took them onto the base. Rasor said she had two cameras, one with a zoom lens. "I don't know why they wouldn't be suspicious of it." But they weren't, and Rasor and Ward spent the day photographing aircraft, inside and out, checking manuals and poring over microfiche.

Rasor took the evidence she had gathered to her California home, where she spends two weeks a month with her husband, who is working on his Ph.D. in forestry at Berkeley, and began to prepare a press release. She also checked in with Kris Kolesnik, an aide to Sen. Charles Grassley (R-Iowa). Rasor knew she had Congressional hearing material, but she didn't think any hearings could be scheduled until early in 1985.

Kolesnik surprised her, however. Grassley's Judiciary subcommittee on administrative practice and procedure had an open date on September 19. The hearing was

scheduled, and Rasor speeded up the release date of the documents and photographs for the press.

There was more, though. Rasor also was told that brand new spare parts, some of them very expensive, were being thrown out, often in their original wrappers. The reason, apparently, is that once a part is ordered, it looks like a mistake has been made if it has to be returned. Therefore, instead of returning parts and risking discipline, servicemen throw them into the dumpster. Ultimately, they wind up in a landfill.

At this point, however, Rasor lacks the documentation to make an airtight case proving that unused, perfectly good items are being thrown out. She says she expects to be able to provide it in the near future.

Rasor says the sources at Travis came to her after having first tried to go through regular channels. "They have complained for several years," she said. "They told me the problem was overwhelmingly big. Huge. This kind of waste just makes them sick. And their parents, their wives and girl friends, just jumped all over them when they would bring home an example."

Secretary of Defense Caspar Weinberger issued a 10-point directive in July, 1983, addressing the question of waste in procurement of spare parts, but little seems to have changed, at least at Travis.

This particular scandal is only the latest in a series of Pentagon waste investigations either sparked or supplemented by Rasor's project. Recurrent articles in the national press detailing the absurdly high prices paid by the Department of Defense for household objects like ladders and flashlights are the pay-off from Rasor's carefully cultivated relationships in what she calls her "more-bucks underground."

Also known as "closet patriots" (a term of endearment coined by A. Ernest Fitzgerald, the Big Daddy of whistle-blowers for his role in pinpointing cost overruns on the C-5A cargo aircraft), this network comprises about half of her collection of sources, some of whom she knows, but most of whom anonymously make the project possible. The other half is the "less-bang underground," because they are primarily concerned with the poor performance of weapons, as opposed to their high cost.

Together these groups have provided Rasor with enough ammunition to silence the Pentagon, at least temporarily. The Defense Department's press office, after several days of sitting on my request to evaluate Rasor's efforts, finally declined comment. One information officer, in a moment of candor, said, "It doesn't do us any good to talk about these things on the record." I was not interested in discussing them off the record.

Three major defense contractors also retreated into silence when asked about Rasor and her five-person, \$200,000-a-year, hole-in-the-wall Capitol Hill office. Lockheed, Hughes Aircraft and General Dynamics, each of which has had billions of dollars worth of its products come under the project's scrutiny, also refused to comment. (One of Rasor's major coups was acquiring and releasing a fat computer printout that detailed collusion between the Air Force and Lockheed in an attempt to save a program to buy 50 C-5's.)

That's not so surprising when you look at Rasor's track record. She has had a hand in exposing or contributing to the exposure of waste, fraud and incompetence in dozens of major weapons programs, including the C-5A and C-5B aircraft, the M1 Abrams tank,

the M-2 Bradley fighting vehicle, the Cruise missile, the Maverick missile, the Phoenix, missile, the DIVAD gun, the AEGIS CG-47 air defense cruiser, the B-1 bomber and others too numerous to mention.

The secret of her success is brilliant in its simplicity. For a start, she is not an anti-defense ideologue. If she were, she would not have the sources she has, many of whom are known in liberal circles as "cheap hawks." In her own words, she is "a front" for current and former Defense Department employees, both uniformed and civilian, who are interested in trying to correct abuses in specific weapons programs—abuses that if allowed to persist would constitute a danger to soldiers' lives, an excessive burden on the American taxpayer, or both.

Furthermore, she does not rely on outside critics of military procurement procedures. She builds her case with official Department of Defense documents supplied by the members of her underground. The documents are always unclassified and they are verified by passing them around so that one underground faction can act as a check on another.

Rasor is extremely careful about maintaining the project's political neutrality. She said she "will not discuss who I vote for, foreign policy or [my] social views, because that should not prevent me from working with someone who is very liberal or very conservative." And, indeed, it hasn't. Her working relationship in Congress cover the spectrum from Sen. Charles Grassley (R-Iowa), a staunch conservative, to Rep. Mel Levine (D-Calif.), whose liberalism is uncontested.

But most of all, she has filled a need so obvious that no one before her really noticed it. The project serves as a go-between. She makes it possible, in the words of one Hill aide, "for those bureaucrats who want to commit truth [to] keep their jobs."

The path from Pentagon leak to public scandal is planted with mines. Rasor explained it this way: "Reporters kind of come across to whistle-blowers the way the Moonies do [to students] at Berkeley; sort of love feelings and 'you pour out your heart to me, I'm your friend.' But whistle-blowers don't understand that and they get themselves in a lot of trouble," because they sometimes say more than they intend.

Over the last four years, Rasor has won the trust and respect of her sources ranging from the first who ever came to see her, a man she described as "this really bizarre guy. I mean, we're talking really weird. Very secretive, deep-throated, shifting around," to Pentagon bureaucrats who readily blend into their surroundings.

She has staffed the project with researchers whose backgrounds seem calculated to deflect criticism on grounds of political partisanship. There is 40-year-old Paul Hoven, who Rasor calls "a government-issue, trained-killer war hero"; Donna Martin, 34, a former television journalist who was protesting the war in Viet Nam not long after Hoven was fighting in it as a helicopter pilot, and 31-year-old Joe Burniece, a student of military history who worked with Hoven in Minnesota making models of weapons for military simulations and developing military training programs.

Rasor, 28, is herself a child of Watergate. "My father's one the hardcore, original Nixon haters," she said. "I was a junior and senior in high school during the two years of Watergate. How [I] looked at the United States was shaped by that event." Appropriately, Rasor graduated from the University



of California (Berkeley) with a degree in political science and journalism.

After graduation, she worked for less than a year as a desk assistant at ABC in Washington, resigning not long after she says a colleague told her that to advance at ABC, "If you're a woman, you're better off spending more time in the horizontal position rather than the vertical." She then spent four months in 1979 with the President's Commission on Coal before joining the National Taxpayers Union to investigate waste and fraud in government.

She met Fitzgerald at the Taxpayers Union; he got her involved in investigating the C-5A, but in 1981 she left in a dispute over whether or not she should continue into what is now the Reagan administration's Pentagon. (The Taxpayers Union was backing Reagan on the balanced budget amendment.)

Fitzgerald then helped her hook up with the National Taxpayers Legal Fund, which also didn't work because of the libertarian political ideology of the fund. In 1981, after four months on her own, she found a home for the Military Procurement Project under the umbrella of the Fund for Constitutional Government, an organization set up by Stewart Mott and others after Watergate to examine corruption in government. She says its directors have let her pursue her own agenda.

She was then all of 25 years old, with long sandy brown hair, disingenuous blue eyes and a few funky dresses and pairs of flat shoes. After all, what did she need high heels for? All she was doing was taking on the military-industrial complex. Her chosen route was through the press.

The couple of dozen reporters she works with find her a useful source and she gets generally high grades for the quality of her documents and the care with which she prepares the memos that accompany them.

James Fallows whose book, *National Defense*, is treated with reverence by Rasor and her staff, says he has "great esteem for what they do." He says they provide a way of "getting information out from the bureaucracy to the press."

Charles Mohr of the New York Times said, "Her product has been usable [and] her sources are pretty solid." He added that "her confidants, as far as I know them, are more zealous than she is."

Morton Mintz of the Washington Post, who is probably responsible for exposing more waste and fraud than any reporter in Washington, praised Rasor's "scrupulous regard for distinctions between hard evidence and speculation."

On the other hand, George Wilson, the Post's longtime Pentagon correspondent, says, "She has an ax to grind and she's caught up in dissent. She thinks the Pentagon is wasteful and out of control." Wilson acknowledges that Rasor "urges that you check out her stuff, which is sometimes less than advertised, sometimes OK." Overall, Wilson says "the more daylight the better, but drive with caution."

Another reporter whose praise for the project is qualified is Richard Barnard of Defense Week, a well regarded defense newsletter. In May of 1983 Defense Week published an article by Barnard that was highly critical of a Project on Military Procurement press release on the C-5B aircraft. Rasor and her associate, Donna Martin, responded with a lengthy point-by-point rebuttal of the Barnard article, most of which Defense Week published. Defense Week acknowledged one minor error, but otherwise stood by its story.

But even Barnard says that the project plays a useful role. "If they didn't exist, somebody would have to invent them," he said.

The project does not serve only the press, though. It is an important resource for those Congressional offices that are interested in military issues. Senator Grassley's spare parts hearings are only one example of the many ways in which Rasor has either stimulated or provided support for legislation, hearings or other Congressional action.

For example, John Heubusch, an aide to Rep. Denny Smith (R-Ore.), described how the project helped the congressman pressure the Pentagon to address deficiencies in the AEGIS Naval air defense system. "In 1983, the project put us in touch with people who had the test results [on AEGIS]," Heubusch said. "We got the results, had the actual numbers and were able to ask intelligent questions of the Navy."

"The lid blew off," Heubusch recalled. "Smith threatened an amendment to stop AEGIS funding. The Navy brought the Ticonderoga [an AEGIS cruiser] back from Lebanon for new tests in Bermuda. We're now trying to get those results, but the Navy's holding them real tight."

Rasor has also become an information bank for congressional experts. Richard Kaufman, general counsel of the Joint Economic Committee, said, "If we have an interest in a particular program and we start gathering information about that, I'll call her to find out if she has any information in her files and if she's able to obtain any information. She doesn't disappoint you very often."

Rasor was invited to address a group of officers who were taking a course in procurement at Maxwell Air Force Base last year, and apparently she did not disappoint them either: She was voted their favorite speaker and invited back this year by a new commander.

But is there a real pay-off from Rasor's efforts and those of her staff? That depends how you measure it. If legislation is the goal, the project has been instrumental in the passage of a bill that mandates the separation of operational testing of weapons from their development. In other words, those who stake their careers on developing a particular weapon are no longer to be in charge of evaluating it. But the office to implement the law still hasn't been established in the Pentagon, and Rasor's guess is that "a milque toast will head it."

The project has also played an important role in other legislation—a bill that requires defense contractors to warranty their work, plus the so-called "creeping capitalism bill," which would eventually require 70 percent of all Pentagon contracting to be competitive, as opposed to the roughly 6 percent that is competitive now. There are also more than a hundred bills in the Congressional hopper aimed at controlling the cost of spare parts, but Ernest Fitzgerald says "most of them will make things worse than they are now."

Everyone interviewed for this article agreed that Rasor was trying to move a mountain. Once a program office is established in the Pentagon to build a new weapons system, a program manager is appointed and his career then depends on getting the weapon built. If the weapon is found to be inadequate or ill-conceived at any stage thereafter, it's likely that man's career will suffer. So will the careers of those under him. The obvious upshot is that weapons get built no matter how poorly they perform in tests along the way.

Rasor and her supporters believe, nonetheless, that what they are doing is useful because it raises the public's consciousness and eventually—no one will hazard a guess as to when—that will create pressure to change the system.

It is certainly true that the spare parts controversy has caught the imagination of the public, but few people have made the leap to Rasor's contention that "an aircraft is just a bunch of spare parts flying in tandem." If she is right, and if a plastic stool cap is overpriced by a factor of 100 percent or more, what does that imply about the amount of padding there might be in the \$200 million-a-copy cost of a B-1 bomber?

Suppose it's just a factor of two?●

NORTH CAROLINA EDITORS  
OPOPOSE OREGON INLET  
PROJECT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. CONTE. Mr. Speaker, when the House considers H.R. 3082, the Emergency Wetlands Resource Act, an amendment will be offered to strike title IV of that measure. Title IV would authorize the Corps of Engineers to use lands under the jurisdiction of the Department of the Interior for a jetty project at Oregon Inlet, NC. The Department of the Interior has determined that such use would be "incompatible" with the public lands policy under which the adjacent Cape Hatteras National Seashore and Pea Island National Wildlife Refuge are administered.

One argument that has been made in favor of these jetties is that they are necessary for the economic development of the area. I was surprised, therefore, to learn that there is significant opposition to the project in North Carolina.

I commend to my colleagues' attention editorials opposing this project from three North Carolina newspapers, and urge them to support the Seiberling amendment to strike title IV from H.R. 3082.

[From the Greensboro, NC, News & Record, July 18, 1984]

OREGON INLET ILLS

Unless wiser heads prevail, Congress is about to founder on the shoals of reason and approve legislation to build jetties at North Carolina's Oregon Inlet—a boondoggle that could cost more than half a billion dollars over the next 50 years.

The exasperating thing about it all is that the jetties may not work. They may not be necessary. And they may even cause more damage to North Carolina's fragile coastline.

Those are just three reasons Congress ought to deep-six a bill sponsored by U.S. Representative Walter Jones that would allow construction of the jetties to begin. Instead of pouring taxpayers' money into jetties, Congress ought to authorize annual

dredging, when needed, to keep a channel clear through the inlet so fishing boats can get safely back to port.

But whether Congress will consider that alternative, in the face of heavy pressure to build jetties, is questionable. Two decades ago, Congress authorized the jetties. They have never been built, partly because of the enormous expense and partly because the U.S. Interior Department has refused—properly—to allow anchoring one of the jetties on National Park Service lands and the other in a National Wildlife Refuge.

Jones' bill would transfer just enough of that land to the U.S. Army Corps of Engineers, which is hell-bent on building the jetties even though its own economic justification for the project has been shot to shreds. Congress could vote on the bill when it returns to Washington following the political convention season.

The stone-and-concrete jetties would cost about \$100 million to build and upwards of another \$500 million to maintain over their projected useful life, or about 50 years. The jetties, the corps contends, would keep open the hazardous Oregon Inlet channel—despite the fact that similar jetty projects elsewhere have not worked as envisioned.

What has worked, however, is a far cheaper alternative. Last fall the corps dredged a new channel at Oregon Inlet that remained open for most of the winter fishing season. Annual dredging in the area could be done for about \$4 million—or far less than the annualized cost of \$12 million to build and maintain the jetties.

Perhaps even more important is the potential damage from the jetties. Experts on sea conditions fear that scouring action of the sea in the area immediately south of the jetties would cause enormous damage to beaches and the coastline. And during particularly bad storms, the jetties might force the sea to break through the Outer Banks and create a new inlet. That, too, could produce enormous property damage and loss of life.

In light of all these facts, it is time for Congress to recognize the Oregon Inlet project for what it is: an attempt to alter the balance of nature without regard for the consequences.

In this case, the taxpayers would be better off dredging each year than throwing money away on a pair of jetties with a jacked-up price tag.

[From the News and Observer, Raleigh, NC, Aug. 13, 1984]

#### SKEPTICISM ON JETTIES ABIDES

Representative Walter B. Jones, D-N.C., one of the chief advocates of building \$100 million-plus jetties on the shifting sands of Oregon Inlet, at last has in hand a document that he hopes will silence critics of the controversial project.

That's wishful thinking. Even if the favorable new cost-benefit analysis of the jetties by the U.S. Army Corps of Engineers could withstand intense and independent review, the project still suffers from serious environmental and feasibility flaws.

The latest analysis by the Corps, delivered more than a year behind schedule, invites healthy skepticism. Its 1977 estimate of \$1.14 in economic benefit for every \$1 of the project's cost had to be junked because of serious error. As revised in 1982, it offered only about 32 cents in benefit for every \$1 spent. This figured out to a net deficit of \$400 million over the estimated 50-year life of the project.

In view of these sobering figures, the new analysis invites searching questions, if not outright disbelief. The Corps estimates that the jetties will return a minimum of \$1.40 and a maximum of \$2.20 for every \$1 put up by the taxpayers.

First, it's highly doubtful—during the three- to four-year period of construction—that the costs of this extremely complex project could be held within today's estimate. Second, the Engineers apparently offer no hint that the expense of maintaining the jetties and operating their untried breakwater and sand-bypassing system—even if it works as anticipated—could be badly understated in view of storms and ocean turbulence around Oregon Inlet.

But the Corps also throws in the projection that as many as 27 lives could be saved over the next 50 years with jetty stabilization of Oregon Inlet. The safeguarding of life in a treacherous coastal area is no small consideration. Yet, there has been no recent loss of vessels or life in the inlet since more intensive dredging began—even though commercial fishing catches in the area have increased. Moreover, factors other than the unstable conditions of the inlet have been involved in most of the eight losses of life there in the past 15 years.

Aside from cost and safety disputes, however, the twin-jetty project is environmentally unsound. It would consume valuable parts of the Cape Hatteras National Seashore and the Pea Island Wildlife Refuge.

Out-of-state coastal scientists (the Inman Group) twice have warned that the jetties would cause serious erosion of the barrier islands beyond the project area. Other marine scientists have speculated that jetty-induced changes in the flushing action of Oregon Inlet during storms could send water surging through newly opened inlets, possibly in populated areas around Nags Head.

Therefore, regardless of whether Corps' cost-benefit estimates are "so much blue smoke," as one congressional backer of the project has asserted, this latest report on the Oregon Inlet jetties won't make the doubters shut up. In company with Governor Hunt and Sens. Jesse Helms and John East, Congressman Jones of the 1st District is still trying to saddle the taxpayers with a public works project filled with economic and environmental hazards.

[From the Winston-Salem (NC) Journal, Aug. 9, 1984]

#### MORE THAN JUSTIFIED

Fourteen years ago, somebody had what looked, at least to some people, like a good idea. The idea? Build twin, mile-long jetties at Oregon Inlet on the Outer Banks as a means of keeping the inlet open. Ever since then, proponents of the jetties have been attempting, none too successfully, to make a case for the expensive and environmentally dubious jetties. The latest attempt came this week when the U.S. Army Corps of Engineers issued a cost-benefit ratio report. According to Eric C. Olsen, a researcher for the Wilderness Society and the author of a report that blasted many of the assumptions of the jetties proponents, "We're looking at it with a huge dose of skepticism."

Such skepticism is more than justified. The corps' report claims that at a minimum, the jetties would return \$1.40 on every dollar invested in the \$100 million-plus project. That's the minimum figure—the maximum cost-benefit ratio could be as high as \$2.20 on the dollar. That sort of

cost-benefit ratio makes the jetties look like a mighty attractive proposition.

Mighty attractive until one recalls a previous cost-benefit ratio report issued by the corps. Back in 1977, the corps drew up a report that claimed a much more modest cost-benefit ratio—only \$1.14 on the dollar. Even that seemed high to some opponents of the jetties. It was high—the report turned out to contain a very significant error concerning the value of fish that would supposedly be caught as a result of building the jetties. Once that error was corrected, the cost-benefit ratio went haywire—the return on each taxpayer dollar plunged to 32 cents. A somewhat red-faced corps junked the report.

The new report needs to be gone over very, very carefully. The type of error that appeared in the corps previous report could very well reappear in the new report. That possibility coupled with the suddenly inflated cost-benefit ratio makes a "huge dose of skepticism" more than called for as the report is examined.

#### TRIBUTE TO DAVID JAMES DEMKO

##### HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. HARRISON. Mr. Speaker, an outstanding young man from Hazleton, PA, will be awarded the highest distinction in Boy Scouts.

David James Demko will receive the "Eagle Scout Court of Honor" at a ceremony to be held in his honor. David is a member of Troop 5 of Holy Trinity Roman Catholic Church. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, David is so duly honored.

Mr. Speaker, I join with David's family and friends in paying tribute to this outstanding young person.

#### SOUTH AFRICA: THE OTHER EVIL EMPIRE

##### HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. LELAND. Mr. Speaker, once again the white minority in South Africa has legally anointed its racist policies—whereby 20 million South Africans are denied citizenship and any political influence—while claiming improved democratic conditions with the cosmetic ploy of giving Asians and people of mixed race bogus political influence.

In light of the recent violence which occurred when South Africa's new constitution went into effect and a new executive president was selected, I



strongly urge my colleagues to read the following insightful piece by Carl Rowan. The article appeared in the Washington Post on September 11, 1984.

I hope this article will serve as a reminder to this body and Nation that we must continue to emphasize the necessity of a strong commitment to human rights and an end to apartheid. [From the Washington Post, Sept. 11, 1984]

**THERE'S ANOTHER "EVIL EMPIRE"**

(By Carl Rowan)

As reports roll in of new waves of violence in South Africa, several thoughts tugged at my mind.

1. Sporadic bloody uprisings are inevitable in a country where 4.5 million white people deny citizenship and even rudimentary political rights to 20 million black people. The carnage has not been greater because the Afrikaner regime in Pretoria runs a police state that is every bit as efficient and ruthless as that of the Soviet Union.

How I yearn to hear President Reagan just once refer to South Africa as "an evil empire," or indicate that he knows that it bans, exiles, locks up without process of law and even kills its citizens in order to preserve a horrible system of racial separation and economic slavery.

It is a condemning commentary on the mind sets of those who now rule America, and many of those who write for America, that while they can identify emotionally with such names as Andrei Sakharov, Yelena Bonner, Anatoly Scharansky and Yuri Orlov, the names of Steve Biko, Albert Luthuli, Nelson Mandela and Robert Sobukwe mean almost nothing to them. Americans speculate endlessly about what the Soviets are doing to Sakharov and his wife in Gorky, but act as though they never heard of Robben Island, or cared about what the South Africans are doing to Mandela there.

U.S. officials speak with veneration of Alexander Solzhenitsyn, the Soviet exile who denounces his brutal homeland. But when have you heard an American official even mention Donald Woods, the fifth-generation white South African who escaped his homeland and wrote so movingly from London: "If I could speak to every person on this globe, I would speak of my friend Steve Biko, who died naked on the floor of a prison cell after suffering torture and torment at the hands of men who represent an especially horrible form of evil—the evil of racism, which inflicts hatred and rejection upon its victims for being born with dark skin."

Every year that Americans cry out in behalf of a Sakharov and fall mute over the murder of a Biko, or some unnamed anguished black in Sharpeville, American credibility as an advocate of freedom is diminished.

2. Angry, ill-educated Africans will continue to let rage hurl them into the paths of policemen's bullets because for so many of them every moment of life is at the borders of death.

The South African newspaper, the Rand Daily Mail, recently reported these infant mortality rates (deaths per year of infants under the age of one per 1,000 live births): white South Africans, 12; urban nonwhites, 69; rural blacks 282.

The publication World Development Forum indicates that this infant mortality rate is all the more astounding when one notes that the highest rate in the Third

World is 210, in Burkina Faso, formerly Upper Volta.

3. The potential for violence has been multiplied by the new "constitutional" ploy in which the ruling white minority is trying to woo Asians and Coloreds (people of mixed race) to their side so as to isolate the black majority. This ploy involves giving Asians and Coloreds limited political influence through a three-tiered parliament. But in the current rioting, blacks are killing blacks who they think are cooperating with the white oppressors, and those Asians and Coloreds who are going along with the separate-parliaments gambit have become targets of intense hatred among all nonwhite groups.

Chief Gatsha Buthelezi, leader of the country's 5.5 million Zulus, has said: "We feel betrayed because so many of our Colored and Indian brothers have rushed forward with their tongues hanging out to endorse the white rejection of us."

In fact, less than a third of Indians and Coloreds had bought the bait, but that is enough to guarantee future bitterness and bloodshed.

4. Most Americans do not understand the intensity with which the Reagan administration and the United States are hated by Africans who see that U.S. leaders now condone racial oppression by silence, finance apartheid indirectly, provide by subterfuge the helicopters and weapons to keep racists in power, and are playing footsie with South African militarists who have tried to bomb weak neighboring countries into submission.

It is all but incredible that more countries in Africa have not gone the way of Libya and Ethiopia, or openly embraced communism. Soviet boorishness and blunders, and a determination of African intellectuals not to accept Soviet tyranny as a replacement for Western Colonialism, have protected U.S. interest in that continent. However furious Africans may be over the repeated outrages of South Africa, few countries are now in a position to take a policy of total hostility toward the United States when what they have to fall back upon is Moscow.

I feel sure, though, that our children, or perhaps our grandchildren, will one day pay a heavy price for today's conscienceless, even shameful policies toward the apartheid in Pretoria.

But how naive can I be? Why would I expect an administration that has been cruelly unfair to nonwhite American citizens to suddenly show a compassionate concern for 20 million faceless blacks at the southern tip of Africa?

**REPUDIATES CIA AND DEFENSE DEPARTMENT ACTIVITY**

**HON. HAROLD E. FORD**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. FORD of Tennessee. Mr. Speaker, recently, an assault on a Nicaraguan military school became the focus of international attention when two American National Guardsmen participating with the rebels were shot down in their helicopter. One of those men shot down happened to be a resident of Memphis. My heartfelt sympathies go out to the families of both men. To this day, I have not been able to com-

prehend if these young men understood the ramifications of their actions by participating in an unauthorized paramilitary activity outside the United States. These two men were the only ones who could have provided their true motives.

However, an incident reported in Saturday's editions of the Washington Post can, and must be responded to by officials of the Air National Guard, Defense Department, and Central Intelligence Agency [CIA]. It seems that in the mission at the Nicaraguan military school, three Cessna 02A observation planes outfitted with rocket pads accompanied the downed helicopter.

There is something very wrong with how these planes landed in the hands of the rebels. Suspiciously, the aircraft were first declared excess by the Air National Guard, and then by the Air Force. Conveniently, the CIA was around to pick up these unwanted planes. The Air Force and Air National Guard surely have an abundance of planes in stock; next year's appropriation to those agencies should reflect that overload.

In effect, the Defense Department and the CIA are working hand in hand to put themselves above congressional oversight. The House has long been leery of increasing the amount of military aid to the region, covert aid in particular; \$80 million have been provided since the program began; \$24 million was provided for the current fiscal year. However, it seems that the CIA and the Contras exhausted their legal spending limit on May 1.

As a Member of Congress who does not sit on the Foreign Relations Committee, I feel I must voice my strongest repudiation of such CIA and Defense Department activity. Although it is important for the CIA to conduct their operations in secrecy, this should not give them the right to put themselves above the law. They must be held responsible for ignoring and violating an explicit congressional ban of additional aid to the Contras. Both agencies will have an extremely difficult time proving to me and many other Members that such actions merit additional funding in future sessions of Congress.

Furthermore, I am worried about potential CIA actions in Central America not reported to the respective Intelligence Committees of the Congress. The situation concerning the mining of Nicaraguan ports is a perfect case in point. Congress and the American public found out about that as an afterthought. The administration never thought it mattered enough until the demands of the Congress and the American public were too great to ignore.

I am extremely concerned about those activities in Central America which we do not, and will not find out

about. Such activity by the Defense Department and the CIA is probably just the tip of the iceberg. Anytime an agency of the Government can circumvent the directives of the U.S. Congress creates cause for alarm. One thing is clear: Members must be ever careful before voting for one more dollar of covert aid to the CIA and the rebels.●

#### ELIAS KARMON'S 75TH BIRTHDAY

#### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. SCHEUER. Mr. Speaker, I rise today to salute a most remarkable individual on the occasion of his 75th birthday, a man whose life-long endeavors have given new meaning to the word service.

As a civic leader in the Bronx for 45 years, Elias Karmon has devoted a substantial amount of his time to work voluntarily with dozens of groups and organizations to keep the Bronx a good place to live and work. He has served, for example, on the board of the Bronx Chamber of Commerce for 30 years and as its president for 4 consecutive years; as chairman of the Bronx Council of the Albert Einstein College of Medicine; as president of the Bronx Rotary Club; as chairman of the executive committee of the Bronx Boys Club; as vice president of the American Jewish Congress, Bronx Division; as chairman of the advisory committee of the Bronx Venture Corp.—a nonprofit local development corporation; and as chairman of Vacations and Community Services for the Blind.

Even though he shall be honored for his past accomplishments during his testimonial dinner on September 20, Elias Karmon continues to this day to be one of the most active citizens in the Bronx. He currently serves not only on the board of directors of the Ponce De Leon Federal Savings & Loan Association, which he cofounded, but also a host of other civic organizations. For example, he continues to devote himself to community action in the Bronx by serving on the boards of the Bronx House, YMCA, Fordham Road Area Development Corp., Regional Aid for Interim Needs, South Bronx Mental Health Council, Pelham Parkway Mall Local Development Corp., Bronx Dance Theater, Bronx Overall Economic Development Corp., and Pelham Parkway Jewish Center.

Of course, I am not the first to recognize Elias for his tremendous efforts on behalf of those of us who live and work in the Bronx. During his 16 years as a member of the lay advisory board of the old Lincoln Hospital, and 9

years as its chairman, the board obtained the commitment for the building of the new Lincoln Medical Center. In appreciation of his contributions, the Lincoln Hospital Community Board and the administrative staff dedicated the board conference room as the "Elias Karmon Board Conference Room." Last February, the New York Urban League cited Mr. Karmon, as past chairman of the Bronx Urban League Advisory Board, as a "Charter Member and Founder of the Bronx Office of the New York Urban League," and saluted him for his dedicated service and leadership spanning 35 years. On the "Bill Boggs Live Show" on WNEW-TV in 1979, he received the coveted Jefferson Award for Public Service.

An individual who devotes as much concern for his fellow human beings, dedicated as much effort to improving his community, and volunteers as much of his life to others as Elias Karmon has is a rare individual indeed—an individual to whom those of us who live and work in the Bronx are very much indebted. Thank you, Elias, for everything you have done and for everything you continue to do for the Bronx.●

#### CONGRATULATIONS TO EAGLE SCOUT BRIAN WALSTRUM

#### HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. DYSON. Mr. Speaker, I would like to take this opportunity to bring to your attention the elevation of Brian Robert Walstrum of my district to the rank of Eagle Scout.

The outstanding contributions of this country's Eagle Scouts are a source of national pride. Even Americans unfamiliar with the specific requirements for this honor realize that to achieve the rank of Eagle Scout, a Boy Scout must demonstrate leadership, integrity, and a dedication to high ideals.

Brian, a resident of Stevensville on Kent Island and a member of Boy Scout Troop 2576, has proved that he embodies these qualities. I ask you all to join me in congratulating him on this exceptional honor.●

#### A BILL TO PERMANENTLY AUTHORIZE SECTION 1619 OF THE SOCIAL SECURITY DISABILITY AMENDMENTS OF 1980

#### HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. BARTLETT. Mr. Speaker, today, I intend to introduce a bill

which would allow disabled persons on social security supplemental security income [SSI] who want to work the chance to do so. It would also ensure that persons on SSI receive the Medicaid benefits to which they are legally entitled. Specifically, the bill—

First, permanently authorizes the section 1619 provision of the Social Security Disability Amendments of 1980;

Second, establishes an automatic triggering mechanism to promote participation in the section 1619 provision;

Third, authorizes a General Accounting Office [GAO] national study on the effects of section 1619; and

Fourth, requires concurrent notification of eligibility for SSI and Medicaid benefits.

The intent of section 1619 is to enable disabled persons to be productively employed. A significant number of the estimated 2,900,000 disabled persons currently on SSI who wish to work do not do so because they fear loss of their Medicaid benefits. There are two conditions under which they can lose their benefits: If they exceed \$300 in monthly earnings, which is the substantial gainful activity [SGA] level, or if they work any 9 months out of 24. Disabled SSI recipients know that because of their chronic disabilities they cannot easily obtain private health insurance. Consequently, rather than lose their Medicaid benefits, they choose either not to work or to keep their monthly earnings under \$300.

When section 1619 was passed in 1980, its purpose was to remedy this dilemma by allowing disabled SSI recipients to continue receiving Medicaid after they pass the SGA level or after they have worked 9 months out of 24. Section 1619 is a sound concept. It encourages people who want to work to do so without fear of losing their Medicaid insurance. In addition, the Nation saves money because it does not pay SSI cash benefits to these persons who want to be more self-sufficient by exceeding the SGA level.

Participation in section 1619 needs to be expanded, however. Currently, only about 5,000 persons are enrolled nationwide out of the more than 2,900,000 disabled persons on the SSI rolls. There are two major reasons for this lack of participation:

First, lack of awareness of the existence of section 1619 by those who are eligible, and second, the fact that section 1619 is not a permanent program. My bill corrects both these problems. It permanently authorizes section 1619 so people will have confidence that the program will be maintained and that, therefore, the benefits of enrolling are no longer outweighed by the real risk that the program could be terminated.



The bill also requires the Social Security Administration [SSA] to create an automatic triggering mechanism to promote participation, thereby helping to ensure that potential applicants are informed in an effective and timely manner of their possible eligibility. A disabled SSI recipient who is working would be notified of eligibility for the section 1619 program if the recipient earned \$250 in 1 month or had worked for 6 months.

In addition, this bill directs GAO to undertake a study to determine the effects and effectiveness of the dissemination and training programs which SSA has been directed to offer. The intent of the GAO study is to ensure that section 1619 is implemented effectively and efficiently. The study shall—

First, determine the number of persons by State benefiting from the provisions authorized by 1619 by December 31, 1984, by December 31, 1985, and by December 31, 1986;

Second, determine the number of persons by State who benefited from such provisions but became ineligible due to income in calendar years 1984, 1985, and 1986;

Third, determine the number of persons by State who benefited from such provisions but withdrew for reasons other than income and the reasons for their withdrawal in calendar years 1984, 1985, and 1986;

Fourth, determine the number of persons notified of their eligibility to benefit from such provisions in calendar years 1984, 1985, and 1986;

Fifth, determine the number of persons notified who declined the benefits of such provisions in calendar years 1984, 1985, and 1986 and an assessment of the reasons for such declination;

Sixth, compare countable earned income prior to and following when recipients benefited from such provisions using representative years 1984, 1985, and 1986;

Seventh, describe the role of State vocational rehabilitation agencies in the implementation of the section 1619 provision; and

Eighth, estimate the costs and savings to the Federal Government attributable to the section 1619 provision.

Finally, this bill mandates that SSA and the States implement a system in which a person is deemed eligible for SSI, he is simultaneously informed of his eligibility for Medicaid. Presently, some States have ineffective systems; consequently, some individuals who really need Medicaid are unaware of their eligibility. This bill corrects this problem.

In summary, this bill ensures that the full benefits of the section 1619 provision and Medicaid directly and immediately reach those persons truly in need.●

## SAFETY OF AMUSEMENT RIDES

## HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. BRYANT. Mr. Speaker, today the House Energy and Commerce Committee has reported H.R. 5790, legislation to amend the Consumer Product Safety Act to fill a dangerous void in the law regulating safety of amusement rides. This void has been responsible for a number of tragic accidents, including one in the district I represent, the Fifth District of Texas.

Many of us have experienced the thrill and excitement associated with an amusement ride. Often the ride is designed to evoke a sense of danger in the riders, which can be an important part of the entertainment. A sense of danger—not a real danger. When there is a real danger in the ride, due to fractures in the supporting framework, faulty construction or assembly, or other hidden hazards, cries of joy can become screams of horror.

Visitors to amusement parks and carnivals where these rides are found must be able to depend on adequate safety regulation of the rides for protection. In the past, the Consumer Product Safety Commission has been responsible for regulating all amusement rides. In 1981, however, Congress removed an important part of this authority from the Commission. The Commission retained authority over rides in traveling circuses and carnivals, but lost authority over rides at permanent-site amusement parks. As a result, the Commission still regulates rides at a carnival to assure their safety, but has absolutely no authority over the same rides if they are at a permanent-site amusement park.

The 1981 congressional action assumed the States would take greater responsibility for safety of permanent-site amusement rides, but to date only 22 States have any laws governing the safety of these rides. Among those States, the level of enforcement has been uneven and inconsistent. And in States where many of the most popular amusement parks are located, such as Texas, California, Florida, and New York, there are no laws regulating the safety of these rides.

In the congressional district I represent, at the State Fair of Texas, one person was killed and several others severely injured when a gondola car flew off the Enterprise ride last October and dropped 40 feet to the ground. A subsequent investigation revealed hundreds of stress factors in the gondola, which a timely inspection would have discovered. The city of Dallas has recently upgraded its amusement ride inspection procedures, which will help prevent tragedies like the one involving the Enterprise. But we cannot

afford to wait for a similar tragedy to occur in each amusement park in the country to spur an adequate safety regulatory system nationwide.

For whatever reason, the States have been too slow in fulfilling their responsibility to regulate the safety of permanent-site amusement rides. H.R. 5790 recognizes this lapse and fills the dangerous regulatory void we now have by restoring the authority of the Consumer Product Safety Commission to regulate these rides in the absence of a State safety regulatory program. States that want to regulate these rides may still decide to do so; this bill will simply guarantee amusement park visitors that somebody will have and exercise the authority to regulate these rides no matter what the States decide.

For this reason, I wholeheartedly support this bill, and look forward to its prompt consideration on the House floor. I urge my colleagues on both sides of the aisle, who ought to be equally concerned with the safety of amusement park visitors, to support it with me.●

## PERSONAL EXPLANATION

## HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. MARKEY. Mr. Speaker, I regret that I was unable to vote on several bills today. Had I been present, I would have voted "yea" on H.R. 1511, Common Carriers by Water in Foreign Commerce, "yea" on H.R. 3336, Insanity Defense Reform, "yea" on H.R. 5656, Dangerous Drug Diversion Control Act, and "yea" on H.R. 5959, Safe Drinking Water Amendments.●

## VICTORY FOR U.S. COAL EXPORTERS

## HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. RAHALL. Mr. Speaker, today the U.S. Court of Appeals for the District of Columbia handed down a ruling which vacates the Interstate Commerce Commission's decision to exempt from regulation all rail transportation of coal destined for the export market.

The court found that the ICC made its decision on an unreasonable understanding of provisions of the Staggers Rail Act of 1980 and with respect to congressional intent supporting that statute.

Indeed, the court in its wisdom has touched upon the very complaint that

I and many of my colleagues from coal-producing regions have made. While the Staggers Rail Act is sound, the ICC has brazenly ignored congressional intent that captive shippers be protected from monopolistic railroad pricing practices. Further, the court has upheld our contention that the ICC has engaged in selected implementation of that act.

The ICC, with Chairman Reese Taylor dissenting, on June 9, 1983, issued a decision in ex parte No. 346 (sub-No. 7) which exempted from regulation export coal traffic moving through all U.S. ports. The Commission based this decision on its finding that the exemption was not necessary to carry out the national rail transportation policy of the Staggers Rail Act, and that regulation was not needed to protect shippers from the abuse of market power.

After reviewing this decision, the court found:

Because the ICC's conclusions with respect to these legal standards reflect an unreasonable interpretation of their meaning, we must vacate and remand the exemption decision.

In its review, the court, recognized that while the Congress meant to move toward greater reliance on competition, rather than regulation, in governing the railroads, regulation must be maintained where the market could not be relied upon to protect shippers from abusive railroad practices.

Specifically, the court found that the ICC ignored provisions of the rail transportation policy "to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital."

With respect to considerations of protecting shippers from the abuse of market power, the court found that the only protection the ICC recognized was that rail rates would not totally prevent coal shippers from recovering their costs and would not totally exclude them from the division of economic rents. This, in the court's opinion, is an unreasonable standard.

Mr. Speaker, the ICC decision had sent a brutal message to this Nation's coal fields. It threatened the level of coal production and employment in West Virginia and other export coal producing States. And, it told foreign coal buyers that the U.S. Government refused to restrain the railroads from contributing to the uncompetitiveness of U.S. coals in the world market. Today, through the court of appeals' decision, we send another message out to the coal fields and to coal buyers. It is a message of hope and future prosperity for the coal producing regions of the United States and for the

energy security of our allied trading partners.●

CONGRESSMAN TONY P. HALL  
SPEAKS ON IMPRISONED  
HUMAN RIGHTS ACTIVIST  
MART NIKLUS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. HALL of Ohio. Mr. Speaker, September 22, 1984, will be merely another ordinary day for most of my colleagues and for the vast majority of Americans. However, I ask my colleagues to pause for a moment and consider the plight of one individual for whom September 22 holds special significance.

The individual in question is Mart Niklus, an Estonian human rights activist and Helsinki human rights monitor. On September 22, 1984, Mart Niklus will mark his 50th birthday. This birthday will not, however, be celebrated in the American tradition of family, friends, and joyful spirit. Rather, Mart Niklus will "celebrate" his birthday in solitary confinement at the Soviet Christopol Prison. Family and friends will be present only in memory.

Although trained in the biological sciences, Niklus has spent most of his professional life teaching languages. However, much of his adult life—20 years—has been spent behind the high walls of Soviet prisons. Such is the reward for a man active in the movement for the establishment of human rights in his native Estonia.

In August 1979 Niklus signed his name to a document now known as the Baltic Charter. This action was taken in order to recall the Molotov-Ribbentrop Pact of August 1939 which essentially led to the carving up of the Baltic republics by Hitler and Stalin.

Before his most recent imprisonment, Niklus went on record with other Balts in condemning the Soviet invasion of Afghanistan. In signing a January 1980 letter to the late Leonid Brezhnev, Niklus agreed that a parallel exists between the Soviet invasion of Afghanistan and the march of Soviet troops into the Baltic States in 1940.

Mart Niklus, now serving this 5th year in solitary confinement, has sacrificed a great deal of his life in the hope for the future establishment of human rights in Estonia. On his 50th birthday, let us recall his dedication to the principles of basic human freedoms in a climate of extreme repression and certain reprisal.

Mart Niklus is a beacon for repressed people around the world. He has sacrificed himself, in hope that the generations which follow will

obtain the freedoms denied now to him and to the Estonian people.●

REPRESENTATIVE DANIEL LUNGREN  
ON IMMIGRATION  
REFORM

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. HYDE. Mr. Speaker, Congress has very few responsibilities as serious as overseeing and reforming our immigration laws and protecting the integrity of our borders. As Representative DANIEL LUNGREN convincingly demonstrates in the following article from the Washington Post of September 10, enacting the Simpson-Mazzoli immigration bill before we adjourn may be "the last feasible opportunity in this decade for Congress to act on urgently needed immigration reform." I commend to all my colleagues the succinct analysis and recommendation on Simpson-Mazzoli by the gentleman from California. It is must reading:

[From the Washington Post, Monday, Sept. 10, 1984]

IMMIGRATION REFORM: IF NOT NOW, WHEN?

(By Daniel E. Lungren)

As Congress prepares to conclude its final four weeks of the remaining regular session, we have begun a legislative version of the old TV show "Beat the Clock." The question is whether Congress will enact the Simpson-Mazzoli immigration bill before it adjourns.

The few remaining legislative days may provide the last feasible opportunity in this decade for Congress to act on urgently needed immigration reform. And, just as important, the outcome of this legislative exercise may answer the larger question of whether Congress is still capable of adequately dealing with any of the urgent national issues of the day.

Currently pending before a House-Senate conference committee is a carefully balanced and comprehensive immigration reform package, representing the bipartisan efforts of private citizens, members of Congress and four presidents. Few bills have received the devotion of effort and scrutiny that Simpson-Mazzoli has. Not only has the concept of the measure evolved from a presidential commission to hearings, markup and debate of committees in both houses during two consecutive congresses, it has also withstood repeated and varied attempts to kill or dilute it.

We have come much too far on the road to immigration reform to fall once again in the waning days of another Congress. Moreover, should the exhaustive legislative investment already expended be in vain, policy makers will face an even greater Pandora's box. The alternatives to this substantive reform of our immigration laws are largely untenable.

No member of Congress can defend the status quo on immigration. The present situation is neither in the national interest nor in the interest of those undocumented persons who all too often find themselves beyond the protection of our laws, afraid to report crime or seek medical assistance.



The option of increasing enforcement alone is similarly deficient. It is simply not feasible to surround 5,000 miles of border with enforcement personnel. Any return to a mass deportation such as "Operation Wetback" of 1954 would almost certainly entail gross violations of civil liberties and, I fear, would forever scar the fabric of our society.

Additionally, I do not believe the American people would tolerate house-to-house searches and neighborhood sweeps attendant to any true effort "to round up and send home" all the illegal aliens now in the United States.

The suggestion that increased outlays on foreign assistance is somehow an answer in itself is also insufficient. As worthy as I know the goal to be, assisting developing countries in this hemisphere is a long-term proposition. Yet, we must also act in the short-term interests of the United States. While it is true that "sending countries" contain so-called "push" factors (such as poverty, lack of educational opportunity, etc.), those seeking to leave stifling economic conditions must have a place of ultimate destination. It is primarily the better economic opportunities in the United States that serve to attract those with a desire to improve the quality of their lives.

Some have recently gone so far as to suggest that Congress has a further option of completing action on Simpson-Mazzoli in a lame-duck session after the November election or of reviving the bill next year in a new Congress. But let's not forget both approaches have been tried before—and recently. The lame-duck consideration of Simpson-Mazzoli during the 97th Congress—just two years ago—resulted in opponents' offering some 300 amendments, which forced the bill to be killed as legislative time conveniently did not permit its meaningful consideration. At that time, there was the suggestion that we start afresh in the upcoming Congress. Well, since then, nearly 2 million people have been apprehended by the border patrol (and at least 4 million successful illegal entries have occurred).

Let me be clear: nothing can be gained from further delay. The moment of legislative decision has arrived. It is now time for Congress to fulfill its legislative responsibility.

Four administrations of both parties and the Select Commission on Immigration and Refugee Policy have agreed that it is necessary to "demagnetize" the attraction of employment in this country if we are to have any chance of meeting the challenge of uncontrolled illegal immigration.

In this regard employer sanctions constitute the heart of the Simpson-Mazzoli measure. This provision provides that penalties be imposed on those who knowingly hire, refer or recruit undocumented aliens for employment in the United States. Additionally, the bill contains numerous anti-discrimination provisions that will ensure that it is applied in an evenhanded fashion regardless of whether an individual is blond-haired and blue-eyed or dark-haired and brown-eyed.

In those instances where undocumented workers take jobs that domestic workers are unwilling to fill (as is often the case with respect to agriculture), both the House and the Senate versions contain variations of a program to allow agricultural workers into the United States if and only if there is a demonstrated shortage of domestic workers.

The adjudication provisions of the bill are designed to alleviate the abuse of our laws

now possible through procedural delay by those who have no right to remain in our country. In addition, the independence and stature of the administrative process is increased by the legislation.

The Simpson-Mazzoli bill contains a legalization program that would adjust the status of those who have established sufficient equities in our society. The House bill contains a Jan. 1, 1982, cutoff date.

By contrast, the Senate version of the bill contains a two-track approach whereby anyone who entered the country prior to Jan. 1, 1977, would qualify for permanent-resident status. Those who entered after that date, but before Jan. 1, 1980, would be eligible for permanent residency. Those in the latter category would have the opportunity to earn the right to become permanent residents within three years.

While it is my feeling that the House version of the bill is too loosely constructed on this point, the important concept of legalization, embodied in the language of the bill, should dispel the argument that it is somehow nativist. This one-time act of magnanimity offers those who have become permanent members of our society, but are forced to live a subrosa existence because of their illegal status, the chance to become fully participating members of society.

Equally important as the need for substantive immigration reform is the question of whether Congress is still an effective institution and forum to deal with the complex and difficult national issues of the day. With the repeated delays in the consideration of the Simpson-Mazzoli immigration bill during the past three years, many wondered whether our legislative process had become captive to the will of affected interest groups rather than the national interest.

However, during the seven days of often emotional House debate over Simpson-Mazzoli in June, the House distinguished itself by demonstrating that, if given the chance, it could meet the challenge of completely addressing such a controversial public policy question.

While we are closer to meaningful immigration reform than we have been in years, much yet remains to be done to produce a conference report acceptable to both houses of Congress. The test of this Congress is whether the special interests will prevail in the remaining legislative days or whether Congress will address something that needs its immediate attention in the name of the national interest. If we are afforded a meaningful opportunity to deliberate, I am optimistic that a carefully balanced immigration package will become the law of the land.

Our country has prided itself on being a vast melting pot. The genesis of the Simpson-Mazzoli bill lies in the desire to allow the United States to continue its generous policy of immigration. However, it would do so by achieving one of the objectives of the Select Commission on Immigration and Refugee Policy report, that is, it would close the back door to illegal immigration so that the front door on legal immigration may remain open.●

## SIXTH-YEAR ANNIVERSARY OF THE SIGNING OF THE CAMP DAVID ACCORDS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Ms. MIKULSKI. Mr. Speaker, yesterday, September 17, 1984, marked the sixth-year anniversary of the signing of the Camp David accords, between Israel and Egypt. Perhaps more than any other event, the Camp David process demonstrated that it is possible for nations to sit down and work out their differences through negotiation, rather than confrontation.

The statesmanship displayed by the three major participants: President Carter, Prime Minister Begin, and President Sadat will long remain the model for all future efforts at peace negotiations. Their success must remain for all of us a constant reminder that no matter what differences may divide nations, the desire for peace accompanied by the will to sit down and talk, can indeed, succeed.

The Middle East continues to be a very critical region for world peace. Though geographically small, the events that occur there have worldwide implications. Knowing this, the United States must continue to support all legitimate efforts for peace in the region. This includes strong support for Israel, who remains our strongest ally and closest friend in the region.

The Camp David process has, unfortunately, begun to unravel due to the instability of the region and our inability to maintain the necessary climate for peace negotiations to prosper. The time has come for the United States to rededicate itself to the spirit of Camp David. Sadly, the current U.S. administration's Middle East policy has been one of illusion. The stakes are too high for us to let the Camp David process disintegrate. I agree with Walter Mondale's belief that: "We must put the prestige of the Presidency on the line for peace."

Let us remember on this, the sixth anniversary of the Camp David accords, that peace is possible as long as we demonstrate the will and desire to dedicate our time and energy to achieving it.●

## H.R. 6012—SENTENCING REFORM BILL

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, the House Judiciary Committee re-

cently reported a sentencing reform bill, H.R. 6012. While I agree that reform of our current sentencing laws is needed to reduce unjustified disparity and to promote fairness and certainty, H.R. 6012 falls far short of this goal. The bill, approved by the House Judiciary Committee, is a weak bill that caters to defendants at the expense of victims and the interests of society. For example H.R. 6012 would give defendants new rights at sentencing proceeding to subpoena victims and other witnesses who furnished information for submission to the court as part of the sentencing process. It is not hard to see that the creation of such a right in defendants not only will have the effect of lengthening the sentencing hearing and consuming scarce judicial resources, but also will open the door to harassment by defendants of victims and witnesses. This flies in the face of common sense. Moreover, it moves in precisely the opposite direction from the Victim and Witness Protection Act of 1982 which Congress enacted to bolster and safeguard the rights of victims and witnesses. There are several other grave defects in H.R. 6012 as well. If ever a bill deserved plenary consideration and the opportunity for sensible amendment, this bill does. I urge that H.R. 6012 be considered by the House under a rule permitting appropriate amendments. Under no circumstances should this seriously flawed bill be placed on the Suspension Calendar.

The July 26, 1984, editorial appeared in the Champaign-Urbana News-Gazette, and was written by Charles E. Flynn, assistant publisher and editor of that newspaper. I commend it to my colleagues.

[From the Champaign-Urbana News-Gazette, July 26, 1984]

#### HOUSE STALLS CRIME LAW REFORM

There's little doubt that a vast majority of American people favor criminal law reform legislation, but that message doesn't seem to have gotten across to members of the House in Washington where the Senate-passed Crime Control Act of 1983 has languished for an interminable period.

The Senate passed the bill with only a single dissenting vote, yet when it was received in the House one member is said to have labeled it "dead on arrival." That seemingly is the kind of bipartisan manner in which the House, under the leadership of Speaker "Tip" O'Neill disregards public sentiment in favor of playing political games.

Republican Sens. Strom Thurmond of South Carolina and Paul Laxalt of Nevada, and Democratic Sens. Edward Kennedy of Massachusetts and Joseph Biden of Delaware are authors of the Crime Control Act. The legislation includes federal anti-crime reforms concerning bail, sentencing, insanity defense and drug trafficking. Other Senate actions are contained in separate measures to reform the exclusionary rule, institute capital punishment procedures and tighten habeas corpus or custody-release procedures.

Nothing has happened to any of this legislation in the House, where more than 40

anti-crime measures await decision. The Crime Control Act makes improvements sorely needed in bail laws. Today, a court making the determination whether to release a person after arrest is allowed to consider only whether the defendant is likely to make his next scheduled court appearance.

Whether an arrested felon, for example, poses a danger to the community is not a factor the court may consider. This nonsensical standard is not only unfair to the victim but endangers the rest of us and makes a mockery of our social system, Sen. Laxalt has observed.

"What type of system is it that allows the criminal to get out of jail before the victim gets out of the hospital? What is this overriding concern for civil liberties that forces a society to live in a state of siege? How can inaction on needed bail reform be tolerated when victims are forced to live in terror, knowing that the person they have identified is walking free awaiting trial? How is it that the House leadership can deny its members votes on issues of such paramount importance, especially to the poor, the black and the elderly, all of whom are victimized at a rate unheard of 20 years ago?" Sen. Laxalt asked.

For too long the criminal justice system has been leaning more to elegant and social arguments than it has been to concern with restoring order in America and adequately punishing criminals. Currently for every 500 serious crimes committed, only 25 people are ultimately sent to jail.

With all the members of the House of Representatives up for re-election this fall, the time could never be more right for citizens to express their desires, in no uncertain terms, that consideration be given quickly to anti-crime legislation. One thing congressmen understand is the heat from a concerned constituency.

We agree with Sen. Laxalt's statement that "it is a perversion of representative government for a few people in leadership positions to prevent the men and women you sent to Washington from voting on this legislation."

#### TRIBUTE TO MIRA SALBERG

##### HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. DOWNEY of New York. Mr. Speaker, today I note the passing of a great woman. Too often our measure of greatness is only fame, or power or wealth. The great woman I speak of today had none of these in the sense we're familiar with. But she had all of them, and more, in a deeper sense. Her fame was her simple goodness, her power was her brave perseverance, her wealth was her noble and loving spirit.

Mira Salberg survived the German death camps. After liberation she found another survivor, Max Salberg, and they married and came to America. Together, they worked in the garment industry. And in Borough Park, they raised their family. Their son and daughter, Jack and Libby, became their lives.

And this is the legacy of her greatness. She overcame tragedy and built a

new and wonderful life for herself and her family. She defied the "final solution," and found in her family not only the happiness of motherhood but the truest, most profound expression of survival.

Thus, Mira Salberg proved that good triumphs over evil; that the most heinous and terrible oppression can never extinguish that spark that is humanity. Mira Salberg kept that spark alive, made it glow and with it lit up the lives of her family, her children and all who knew her. That is her greatness, her honor, and her immortality.

Te'hay nafshoh tzurra bitzror hachayim. May her soul be bound together with the bond of life.●

#### THE AMERICAN LEGION, LEGISLATIVE PRIORITIES CLARENCE M. BACON, NATIONAL COMMANDER

##### HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. EDGAR. Mr. Speaker, this morning Mr. Clarence Bacon, from the State of Maryland, newly elected national commander of the American Legion appeared before the House Veterans' Affairs Committee to present the national legislative priorities of his organization for the coming year.

As chairman of the House Veterans' Affairs Subcommittee on Hospitals and Health Care I would like to commend Commander Bacon for a detailed and comprehensive analysis of the current challenges we face together in meeting the needs of our Nation's veterans. Of particular note are the commander's comments surrounding the need for concrete plans to prepare the Veterans' Administration to meet the present and future increasing health care needs of a rapidly aging veteran population.

Mr. Speaker, I believe Commander Bacon's statement representing the views and priorities of the American Legion, the Nation's largest veterans organization, should be carefully reviewed by every Member of the House. I would like to submit the commander's testimony for the RECORD at this time.

CLARENCE M. BACON, NATIONAL COMMANDER, THE AMERICAN LEGION

Mr. Chairman and members of the committee, it is an honor to appear today before your distinguished committee. As the principal spokesman for the American Legion I am here representing more than 2.5 million members, as well as nearly 1 million members of the American Legion Auxiliary.

You, of course, are well aware of those who are with me at the witness table, having worked with them on various legislative matters during recent years. In addition, there are a number of distinguished



people in the audience—people who constitute the national leadership of the American Legion and the American Legion Auxiliary.

We firmly believe that our organization represents a cross section of the veterans population in this country. Within our ranks are people from all four wars in which the United States has been involved during the twentieth century. The American Legion, therefore, has promoted and will continue to promote the interests of each wartime generation.

As part of our continuing efforts to maintain the best possible programs of benefits and services for veterans, we have frequently called for assistance from this committee. Your record in that regard speaks for itself. Not only have you offered guidance and expertise in the development of sound legislative initiatives, but you have provided the leadership to insure that those initiatives be enacted. We commend this committee for its dedication to purpose and we look forward to its continued bipartisan efforts on behalf of the Nation's veteran's community.

Mr. Chairman, I now wish to discuss several of our major concerns as we plan for the upcoming year.

#### VETERANS' ADMINISTRATION BUDGET

As the American Legion has stated on several occasions, funding for veterans programs deserves to be ranked second only to national defense. While ranking veterans affairs as second among national priorities may be questioned by other groups, it simply recognizes the governmental obligation to those who performed the highest duty of citizenship. It also recognizes the fact that reasonable benefits and services to veterans of the armed forces constitute a Federal responsibility, rather than state or local.

For fiscal year 1985 Congress and the President have approved almost \$25.8 billion for veterans programs. Although this is the largest VA appropriation ever, it represents less than 3 percent of all Federal expenditures during the upcoming fiscal year. As we have said before, this fact establishes that veterans programs are not consuming an increasing share of Federal dollars.

While we appreciate the funding total for fiscal year 1985, we anticipate greater fiscal constraints next year. We encourage Congress and the President to recognize the efficiency of VA expenditures and to develop an adequate VA budget for fiscal year 1986.

#### VETERANS MEDICAL CARE

The American Legion is pleased that more than \$8.7 billion have been appropriated for veterans medical care in fiscal year 1985. When combined with research, medical administration, and hospital construction funds—the total approaches \$10 billion.

While this is a tremendous investment in health care for veterans, the money will be used to treat more than 1 million inpatients and to provide more than 18 million outpatient visits. The medical care appropriation will accommodate more than 3,000 additional medical personnel, with many of those people designated to alleviate staff shortages identified during the 90 site surveys conducted by American Legion representatives in the past year.

While \$10 billion is admittedly a large investment in health care, the labor intensive nature of medical treatment and capital outlays for modern equipment offer sufficient justification for the expenditure. The wisdom of this investment is also quite evident when considering VA's four medical

missions—health care for veterans, education of health manpower for the Nation, basic and applied research, and contingency medical support for the armed forces.

#### MEDICAL AND PROSTHETIC RESEARCH

Our organization is also quite pleased by next fiscal year's increase in medical and prosthetic research funding, from \$162 million to \$190 million. The benefits of work done in this area are immeasurable since research breakthroughs at VA contribute to upgrading the health standard of the entire Nation.

You can be sure that we will examine the fiscal year 1986 budget proposal very closely and we will promote sufficient research funding to insure that VA will be able to continue its outstanding achievements in basic and applied research.

#### MEDICAL CARE FACILITY CONSTRUCTION PROGRAM

Construction appropriations is yet another area in which the American Legion can express its support. Combined funding for major and minor construction projects currently stands at almost \$1 billion for fiscal year 1985.

While citing our basic satisfaction with the total appropriation, we must re-emphasize our continuing interest in several projects which demand immediate attention. They include replacement of the Baltimore VA hospital; construction of necessary facilities in San Juan, Puerto Rico; construction of facility additions in Philadelphia; and construction of a nursing home in Providence, Rhode Island.

#### AGING VETERANS

Everyone in this room is well aware of the potential demand of World War II veterans on VA's health care delivery system. Two numbers offer dramatic evidence of this—there are 10.7 million surviving World War II veterans whose average age is 65.

While efficiencies in treatment of older veterans must be developed, the health care planning process must be carefully conducted to insure that costing methods and other initiatives do not undermine basic VA treatment responsibilities. Private sector mechanisms such as DRG (Diagnosis Related Grouping) must be fully examined to determine their applicability to VA health care delivery.

You can expect our organization to continue to cooperate with your committee and with VA to address the aging veteran issue—whether that cooperation be support for geriatric services, development of necessary health legislation, analysis of VA's recent older veteran study, promotion of state home construction or refinement of VA's relationship with the Administration on Aging.

The American Legion intends to maintain its commitment to the well being of Vietnam veterans. From a medical treatment standpoint, we wish to re-emphasize our impatience with those VA employees who fail to demonstrate a sensitivity toward the special problems of Vietnam veterans. We will take all necessary actions to identify any physician or adjudicator who refuses to recognize Post Traumatic Stress Disorder as a pathological condition.

In an associated matter, we strongly support the establishment of additional PTSD inpatient units and the creation of a national center for PTSD research and health care training. The American Legion will also continue its support for the Vet Center program, to include making such services avail-

able to veterans in more remote geographical regions.

#### AGENT ORANGE

This committee is well aware of the Legion's participation in debate on legislation to address the Agent Orange Dilemma. We also maintain a very real interest in ongoing studies by the Centers for Disease Control.

And, of course, our organization's desire to resolve the critical Agent Orange problem has led to our participation in a joint effort with Columbia University. This undertaking, designed to examine a wide range of attitudes and problems prevalent among Vietnam veterans, is expected to be completed late this year.

#### WOMEN VETERANS

The American Legion is encouraged by recent efforts to meet the particular needs of women veterans. The primary focus of these efforts has been appropriately directed toward health care techniques involving privacy of treatment and an awareness of gender-related disorders. As an organization which is represented on VA's Advisory Committee on Women Veterans, we intend to see that these veterans receive the full range of benefits and services to which they are entitled.

#### WORLD WAR I PENSION

As we have done several times in recent years, we wish to reaffirm our support for a special World War I pension—one based upon financial need. Our organization sees this as a legitimate act to compensate a group of people who were unable to use the range of benefits that were available to later generations of veterans.

#### VETERANS EMPLOYMENT

A great deal of Congressional attention has been paid over the last three years to the persistent problem of veterans unemployment. The record speaks for itself—creation of an Assistant Secretary of Labor for Veterans Employment and Training, enactment of Jobs Training Partnership Act, enactment of the Emergency Veterans Jobs Training Program, reauthorization of Targeted Jobs Tax Credits, reauthorization of the Veterans Reappointment Authority, and ongoing efforts to restrict contracting out of certain jobs currently held by veterans.

As we look toward the near future, we encourage this committee to maintain its leadership on behalf of veterans employment and job training. And we specifically urge this committee to actively seek any necessary funding to carry out the second year of the emergency jobs program for veterans.

In conclusion Mr. Chairman, I have just highlighted several of the American Legion's current concerns, and I have also discussed several additional matters which will likely create challenges for all of us during the next year.

This concludes my statement—and, at the appropriate time, those of us at the table will gladly respond to any questions or comments from the committee.

Thank you.●

# A TRIBUTE TO EAGLE SCOUT DANIEL WILLIAM LEAHY

## HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. LIPINSKI. Mr. Speaker, I would like to recognize an outstanding young man from Illinois' Fifth Congressional District, which I am privileged to represent, and he is Daniel William Leahy. Daniel attained the rank of Eagle Scout in the Boy Scouts of America on August 27, 1984. This honor truly befitted a young man who is both a leader and an inspiration to the community.

The path Daniel took to becoming an Eagle Scout bears repeating. He joined St. Michael's Pack No. 3472 in March 1973, and achieved Webelos status in 1975. Daniel proudly earned 14 of the 15 activity pins he was eligible for, in addition to receiving the Arrow of Light.

In 1976, Daniel joined St. Michael's Boy Scout Troop No. 472. While earning 12 skill awards and 21 merit badges, he held many offices of leadership and they were: assistant patrol leader, den chief, patrol leader, scribe, assistant senior patrol leader, and senior patrol leader.

Daniel attended troop leader training for 1 week at Owassippe in 1980 and returned there as a staff member in 1981. Other notable awards he received included the religious awards, Ad Altard Del and Pope Pius XII awards. He was also an active member of the Kumbaya staff for 3 years. Daniel was elected into the Order of the Arrow and is a brotherhood member of the Tschitami Mawat Chapter.

Showing his concern for community, Daniel completed his service project requirement by collecting and distributing food baskets to the needy at Christmas time.

I join with the residents of the Fifth Congressional District in paying tribute to the hard work, determination, and leadership exhibited by Daniel William Leahy.●

# TEMPORARY SUSPENSION OF DUTY ON TAB

## HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. VANDER JAGT. Mr. Speaker, I would like to comment on legislation, H.R. 5389, which I introduced along with my colleague Congressman BILL FRENZEL this year which calls for a temporary suspension of duty on tetra-amino-biphenyl (TAB) which has since been included in our Omnibus

# EXTENSIONS OF REMARKS

Tariff bill, H.R. 6064. Hopefully we will be acting, favorably, of course, on that tariff bill today.

In seeking this legislation, we did so very mindful that it would not impact whatever on the domestic scene. As a matter of fact, I believe it is important at this time to place in my statement a letter I received earlier this year from Mr. Forb H. Reed, Jr., director, Supply and Distribution, of the Celanese Fibers Operations located in Charlotte, NC. Mr. Reed's letter, which follows, makes crystal clear that "at such time as there is a producer in the U.S. manufacturing TAB in the quantity and quality we need to produce our PBI fiber, we would not oppose efforts to reinstate the duty."

CELANESE FIBERS OPERATIONS,  
Charlotte, NC, April 10, 1984.

Re Tetra-amino-biphenyl (TAB).

HON. GUY VANDER JAGT,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE VANDER JAGT: As you know, Celanese Fibers Operations supports proposed legislation that would suspend the import duty on TAB, the raw material used to produce our new high-performance "PBI" fiber in Rock Hill, South Carolina.

If the suspension becomes effective, we would not oppose efforts to reinstate the duty at such time as there is a producer in the United States manufacturing TAB in the quantity and quality we need to produce our PBI fiber.

Your truly,

FORB H. REED, JR.,  
DIRECTOR,  
Supply and Distribution.●

# NEED FOR A GOVERNMENT- BUSINESS-LABOR JOINT EFFORT

## HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. VENTO. Mr. Speaker, in the last decade the Northeast and Midwest sections of our country have experienced a growing economic crunch. In both good and bad economic periods these areas have experienced hardship. The problem has been an eroding industrial base. The large manufacturers, especially those producing labor intensive goods, are leaving the Northeast and Midwest, once the traditional manufacturing "bread basket" for our country. Their departure has created an economic shadow. Areas that had previously exhibited vitality are now stagnating.

In mid-1983, the Northeast-Midwest Congressional Coalition held a series of field hearings aimed at identifying the problem and bringing it to the public and legislative awareness. These hearings identified an economy undergoing a sweeping transformation that is causing severe economic and social dislocation.

The proper response to this growing problem lies in the development of a cooperative attitude in which labor, business, and government work together to create a healthy economy. An economic environment where not only industry and manufacturing will thrive, but an environment in which service related companies and high tech can grow and prosper.

My home State of Minnesota has encountered these difficulties that I have mentioned and is dealing with the problem in what I believe is a most effective manner. It involves establishing a blend of government and private enterprise to create the type of climate that is essential to a healthy State economy. The Governor's office has taken the initiative to establish a public-private partnership that will hopefully put Minnesota on stable ground for years to come.

I now bring to the attention of my colleagues an article from the Christian Science Monitor explaining how Minnesota has attempted to move in the face of the changing environment. For some States Minnesota may act as a model for recovery, for others I hope that it can provide insight as to how each State may best utilize its inherent resources.

The article follows:

[From the Christian Science Monitor, Sept. 11, 1984]

# HOW ONE STATE IS WOOLING HIGH-TECH

(By Scott Armstrong)

In the nationwide rush to breed new businesses and lure high-tech industries, Minnesota is emerging as a leading laboratory.

Already well endowed with some of the country's top high-tech companies, the North Star State is trying to build on its strengths in such areas as supercomputers, educational software, and biomedicine. At the same time, a flurry of public-private initiatives have been launched here to encourage entrepreneurs and spur innovation.

Such thrusts by states, of course, have become as fashionable as Trivial Pursuit (Question: Which state boasts a "Silicon Desert"? Arizona. Where's "Polymer Valley"? In Ohio's rubber belt. How about "Robot Range"? In Michigan's Detroit-to-Ann Arbor region).

But Minnesota has come up with its own formula to become part of tomorrow's more "Knowledge oriented" economy. It is out in front of most states in trying to home-grow industries instead of luring outside companies—the modern equivalent of "smokestack chasing." Moreover, it is attempting to do this with an unusual degree of cooperation among government, business, and other groups—an outgrowth, partly, of the state's activist-corporate community.

The result is no economic miracle but one of the more vibrant entrepreneurial areas outside the country's two electronics bookends, California's Silicon Valley and Route 128 in Massachusetts. It also offers a looking glass for what some industrial strategists tout as the type of collaboration needed to beat foreign competitors.

"Minnesota is learning to grow its own industries from the base it has," says Douglas Henton, a senior analyst at the California-



based Stanford Research Institute, who is studying state and regional industrial strategies. "That's an important lesson for the states."

Minnesota, of course, had trump cards to begin with. One is the long list of high-tech companies that have settled here (Control Data, Honeywell, Cray Research, 3M), as well as those with a big presence (IBM, Sperry). It's also considered to have a well-educated, hardworking labor force—partly an outgrowth of its Scandinavian and German roots. There's also the Twin Cities' main brain trust, the University of Minnesota, which is strong in several areas of science and technology. And there's that elusive quality-of-life factor—plenty of Shakespeare on stage and walleye in the waters (severe winters notwithstanding).

But good fishing and labor alone do not an economy make, and for the past couple of years there has been debate over the business climate. With good reason. The state has high corporate and personal income taxes, tough environmental regulations, high unemployment compensation costs, and high wages.

This has caused some manufacturers to join the wagon train to the Sunbelt over the past decade. More recently, it has sent a good number of local firms to the state's low-tax neighbors, particularly North and South Dakota. The depth of the concern surfaced last year when one of the state's corporate patriarchs, 3M Company, decided to put a new research center in Texas instead of on local turf.

All this, however, has helped trigger some soul-searching among the state's leaders, including its governor, Rudy Perpich. Since returning to office in 1982—he served in the mid-1970s but was defeated in 1978—the one-time dentist has been out to improve the business posture. He has been pushing the state's wares abroad and urging changes in the Legislature at home. State lawmakers have obliged, to a degree, by abolishing a 10 percent surtax on personal income taxes imposed a few years ago and changing worker compensation laws, among other things. The governor now vows to reduce personal income taxes.

The high-tech community has been a gainer during the current, more pro-business era. This spring for instance, lawmakers earmarked \$150,000 to set up a state biomedical and health-systems office to aid small medical-technology firms (more than 300 such firms now exist across the state). A similar sum is going to assist start-up software companies. The state has also committed \$6 million to build a supercomputer institute at the University of Minnesota and develop a "high-tech corridor" linking the college with downtown Minneapolis.

The corridor is envisioned as turning a run-down 70-acre stretch of the city into a research park that will spin off new businesses. Similar projects have sprouted like goldenrod across the landscape. But officials here believe they will have an advantage in building on strength: An early tenant is expected to be the supercomputer institute, which could draw other firms. "There is enormous [high-tech] strength here," says Ettore Infante, dean of the university's Institute of Technology. "The idea is to try to capitalize on it."

Perhaps more unusual, however, is a potpourri of public-private programs aimed specifically at assisting small start-up firms. One, dubbed Help Start-A-Company, for example, is an effort by some of the state's largest companies for each to create at least

one new business, largely through management assistance. Another, the Minnesota Cooperation Office, a nonprofit group funded by businesses and foundations, was launched a few years ago to give similar aid.

Minnesota Wellspring is a group of business, labor, academic, and other leaders who, among other things, push ideas and policies intended to spur innovations. The group will back two new concepts in the Legislature in January: an "innovation fund" to help bankroll new businesses, and a measure to encourage applied research at universities. "The major thrust in Minnesota is in stimulating new businesses," says William Norris, chairman of Control Data and the force behind many of the initiatives. "I think there is more being done here in that regard than in any other state."

It's still too early to tell how much of an impact these efforts will have. But some economists believe they helped the state bounce back from the recent recession quicker than normal. They have also helped cement the area as a strong high-tech, entrepreneurial center: Already, high technology makes up a bigger share of the economy here than in all but a handful of states. And it has contributed to a hot venture-capital market here. "Minnesota is definitely moving into the so-called Information Age in a forthright way," says Mike Stutzer, an economist with the Federal Reserve Bank here.

Still, with some companies moving elsewhere and the state economy strong but not sterling, the business climate debate is likely to continue locally. But if, as some observers assert, the states are today's laboratories for industrial innovation, then Minnesota's experiment may bear watching. ■

## SAVE THE STRIPED BASS, STOP THE OREGON INLET JETTIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. CONTE. Mr. Speaker, this week we will be considering H.R. 3082, the Emergency Wetlands Resources Act. Title IV of that measure would permit the construction of two mile-long jetties at Oregon Inlet, NC, by the Corps of Engineers. These jetties would cause untold damage to the adjacent Cape Hatteras seashore and the Pea Island Wildlife Refuge through erosion, and would severely impede surf fishing and other recreational uses of this beautiful area.

One of the claims made by the Corps of Engineers is that these jetties will permit increased commercial landings of bluefish, scallops, and striped bass. I am particularly concerned by projections that claim an increase of 130,000 pounds of striped bass catches would result from construction of the jetties.

Striped bass—once a prime game fish up and down the east coast—is a very distressed species. Many observers are arguing that it is foolhardy to allow any further commercial exploitation. I'm sure my colleagues are aware that Maryland has just banned the taking of striped bass, and in fact

North Carolina itself has recently restricted such catches.

Under these conditions, projecting any kind of increase in commercial catches of striped bass seem speculative, if not irrational. If this is the best the Corps of Engineers can do to justify this \$100 million project, then I think we need to consider other alternatives.

I recommend the attached article on fish conservation, and urge that title IV of H.R. 3082 be stricken.

[From the Virginian Pilot, Aug. 30, 1984]

### FISH CONTROL NEEDS FEDERAL RULE

(By Bob Hutchinson)

In all probability, there would be more fish available to all of us if so many salt-water species did not have one common trait—migrating from one spot to another.

Then, each state could develop common-sense approaches to managing the fish populations within its boundaries.

Unfortunately, that's not the way it happens.

Fish move about freely, not only between states, but also between nations and even between continents and hemispheres.

White marlin captured and tagged off Virginia Beach have been recaptured off the coast of Venezuela.

Tarpon have been known to migrate from the Atlantic Coast of Panama, through the Panama Canal, and into the Pacific Ocean.

Giant bluefin tuna captured and tagged off New England have been captured off the coast of several European nations, as well as Africa.

Even the lowly Ocean View spot disregards boundaries. The same fish that show up in the lower Chesapeake Bay in August and September migrate north into Maryland waters and south into North Carolina.

Fishery management obviously would be less complicated if these migrations did not take place. Then a state—politicians, research scientists, anglers, commercial fishermen—would have to be concerned only about these creatures within its confines.

But because they do move about, fish have been the big losers.

Take the case of the striped bass.

North Carolina has never had a viable recreational fishery for big striped bass.

Yet, for years, commercial fishermen on North Carolina's Outer Banks made phenomenal hauls of big overwintering stripers.

Their action drew the anger of anglers to the north, where the striper was a prized recreational catch.

North Carolina did not move to stop the overharvesting of these fish until just a few weeks ago. And then it acted only after being forced to do so through a long-sought fishery management agreement with other East Coast states.

It has even taken some people in fishery management and research too long to realize that overharvesting is a powerful threat to the world's stocks of marine fish.

It's easy to ponder the vastness of the ocean and consider it a horn-of-plenty that will always pour out its riches.

But that is hardly the case.

Because it is so highly prized as both a game and food fish, the bluefin tuna became the first species to be so threatened in modern times.

Yet, in the years it took for an international agreement to be hammered out, stocks became alarmingly low.

In the case of swordfish, only a chemical scare halted overharvesting.

The United States government removed swordfish from the market because, it said, the species contained hazardous levels of mercury.

At the time, Atlantic Ocean catches had dropped to the lowest point in history.

Some 10 years later, the government re-evaluated the situation and allowed the prized game and food fish back on the market.

This action came when it was revealed that the average person would have to consume something like three pounds of swordfish a week for 150 years before the mercury reached hazardous levels.

During the hiatus, the species made a spectacular comeback.

Previously, the fish had been difficult to catch on rod and reel. The overharvesting had been the child of commercial fishermen using longlines, strung out for miles in productive areas.

With the return, anglers quickly developed new fishing techniques and began making remarkable swordfish hauls along the Atlantic Coast. Once again the species fell under heavy pressure, this time from recreational and commercial fishermen.

And once again the swordfish population apparently has fallen to a frightening point.

The bottom line is that it is difficult—if not impossible—to manage migratory species at the state level.

Now, one by one, coastal states are beginning to adopt, in assorted forms, saltwater fishing licenses. Ostensibly, the income is to manage and enhance recreational fishing opportunities.

The feeling here is that this managing and enhancing might be done best at the federal level. Or at least on a coastal level, administered by agencies representing the appropriate states.

North Carolina was slow to protect the striped bass. Will Virginia be late in aiding the bluefish? Will New Jersey be the last state to help the white marlin?

There is a strong and valid argument that the federal government wields too much power.

But when it comes to creatures like ducks and fish, which know no boundaries, it doesn't make much sense to leave management decisions in any other hands.■

## FAULTY ECONOMICS OF OREGON INLET JETTIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1984

● Mr. CONTE. Mr. Speaker, the House will soon be considering H.R. 3082, the Emergency Wetlands Resources Act. In general, this is a worthwhile measure intended to further the preservation of our valuable and all too quickly disappearing wetland resources.

Title IV of this measure, however, would authorize the use of portions of the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge for an environmentally disruptive and economically unjustifiable jetty project at Oregon Inlet, NC.

This project was originally authorized in 1970, with an estimated construction cost of \$16.5 million. The current cost is just under \$100 million and still rising. In addition, the question of the relationship between the project costs and the benefits to be derived from the project have been a matter of continuing controversy.

In 1982, former Army Assistant Secretary, William Gianelli, acknowledged that a "fundamental error" had been made in the Corps of Engineers' economic analysis of the project. This error overestimated the benefits of the project by 70 percent, leaving it with a benefit/cost ratio of 0.34 to 1.0 and some \$400 million short of the break-even, or "unity" point.

It has taken 16 months for the Corps to revise its economic analysis in a desperate attempt to make the project appear cost-justified. That analysis was recently released, and, in light of the Corps' previous error, opponents of the project may be justified in viewing the new analysis with some suspicion.

A critique of the Corps' most recent study has been completed by Dr. David Campbell, a resources economist at the National Wildlife Federation, and reviewed by a team of independent economists. That study shows that the Corps of Engineers has once again dramatically overstated the benefits expected to be derived from the Oregon Inlet project and underestimated the anticipated costs.

I urge my colleagues to review this critique, and then to support the Seiberling amendment to strike title IV from H.R. 3082.

The critique follows:

### CRITIQUE OF THE 1984 ECONOMIC ANALYSIS OF THE OREGON INLET, NC, PROJECT (By David C. Campbell)

#### SUMMARY

This paper describes several shortcomings in the U.S. Army Corps of Engineers Economic Analysis Report, February 1984, for the Manteo (Shallowbag) Bay Project in northeastern North Carolina. The Report analyzes a proposal to construct a pair of mile-long jetties to improve harbor access.

The preparation of a revised economic analysis, as a supplement to the 1980 Final Feasibility Report and Environmental Impact Statement, was directed by the Assistant Secretary of the Army after it was pointed out that the potential harvest of marine resources was grossly overstated in the original report.

Based upon our review of the recently-released Economic Analysis Report, it is unlikely that the benefits of the project will exceed the costs, as claimed by the Corps. Their report contains at least five major errors:

(1) Uncertain harbor access is not the primary reason that underexploited species, such as squid, are not being harvested.

(2) If the jetties are not built and the Corps continues its current intensive dredging program, the difference in harbor access and fish landings with and without the jetties will be very small. In other words, the project will not produce benefits both in the

form of reduced dredging costs and in increased income to fish harvesters as is claimed.

(3) The Corps overstates the estimated increase in fish landings of currently harvested species as a result of the project.

(4) It fails to account for the resulting fall in fish prices if the project does stimulate an increase in landings.

(5) Unemployed and underemployed labor benefits are overstated because the method employed uses unrealistically low assumptions regarding earnings expected by fishing vessel crew members.

#### BACKGROUND

The authorized project included several measures, primarily 2 one-mile jetties, designed to overcome the difficulties that fishing boats encounter when navigating the Oregon Inlet during periods when the channel depths are shallow. Maintenance dredging of sand build-up has been intensified recently in order to obtain the previously authorized depth of 14 feet. The low-water depth of 20 feet is authorized for the project under review.

Ironically, some of the arguments for the deeper project exist because of prior Federal actions. Low-interest Federal loans encouraged the construction of larger fishing vessels and Economic Development Administration grants contributed nearly two-thirds of the \$8 million of the cost of the partially occupied seafood industrial park at Wanchese Harbor inside the inlet. These subsidies have begat Congressional authorization of a \$100 million dual jetty system to stabilize Oregon Inlet.

The Department of the Interior opposes the two jetties on either side of the inlet because of expected adverse environmental effects, including increased erosion to the adjoining Pea Island National Wildlife Refuge and Cape Hatteras National Seashore.

The Supplemental Environmental Impact Statement states that a sand bypassing system, not completely specified, should reduce the possibility of serious damage to the refuge. Elsewhere, sand bypassing systems have performed unevenly.

The new Economic Analysis still leaves serious questions as to whether or not the benefits exceed the costs. Nevertheless, Congressman Walter Jones (NC) intends to seek a floor vote on his amendment to the Emergency Wetlands Resources Act in September that will allow the Corps of Engineers to proceed with the project in spite of Interior's objections.

#### MAJOR ERRORS IN THE ECONOMIC ANALYSIS

(1) Uncertain harbor access is not the major reason that underexploited species are not being harvested.

The report estimates average annualized benefits of between \$600,000 and \$1,100,000 from the harvesting of underutilized species (Atlantic mackerel, squid, and butterfish) as a result of increased utilization of Oregon Inlet because of the project. Even though this is much less than 10% of the benefits from these "new" species claimed in the discredited 1980 report, the economic analysis does not adequately demonstrate that the frequent shoaling of Oregon Inlet is the binding constraint that limits the catch of these underexploited fisheries.<sup>1</sup> These spe-

<sup>1</sup> Several authors point out the large uncertainty in identifying the many variables that affect fishing efforts and catch. See the first issue of *Marine Resource Economics* 1984.



cies are not landed in large numbers at nearby ports with more certain harbor access.

Why aren't greater quantities of these species landed now? Underutilized species comprise less than 2% of the 20 to 40 million pounds of all species that are landed at Wanchese-Stumpy Point, NC, each year. If the processing techniques and facilities and markets for these species improve in the future it would be incorrect to credit all of the benefits from increased landings through Oregon Inlet to the project. This incorrect assignment of benefits would be analogous to a farmer who increased corn acreage, bought a new tractor, then credited all of the increase in yields to the tractor.

The U.S. rents fishing rights for underutilized species to foreign firms and nations. If greater quantities of these species were to be landed at domestic ports, any resulting reduction in fees paid to the U.S. Treasury should be deducted from the estimate of benefits from the project.

(2) The proposed project cannot simultaneously produce benefits in the form of reduced costs and increased income to fish harvesters. The Economic Analysis has double-counted the benefits.

The report states that the jetties will reduce annual maintenance dredging costs by \$4.36 million from a projected \$4.56 million. This high level of dredging without the jetties should provide sufficient channel dimensions for the existing fishing fleet. Because the Corps' analysis assumes a continuation of its current intensive dredging program if the jetties are not built, the difference in harbor access and fish landings with the jetties and with dredging will be very small. The benefits claimed in the Economic Analysis include approximately \$8 million from increased commercial fishing and recreational boating and \$4 million from reduced dredging costs.

The recognition of this double-counting of benefits of the proposed project stimulated the Corps to prepare an appendix to the economic analysis, Special Report, Appendix H,<sup>2</sup> because, "Two interrelated economic questions pertaining to existing maintenance dredging operation at Oregon Inlet have arisen in connection with the current review of the Manteo (Shallowbag) Bay, N.C., project economic analysis." The Appendix fails to convince us that without the jetties, the existing dredging is required and doesn't work.

Our review of Appendix H finds no merit in the Corps attempt to rationalize the illogical assumptions in the Economic Analysis. Therefore, because the average annualized cost of even a high level of maintenance dredging is less than the average annualized cost of the jetty project, continued maintenance is the better economic alternative. (See Table 1 attached.)

(3) The Economic Analysis includes an overly optimistic estimate of increases in landings as a result of the project.

The documentation for the projected increases in fish landings through Oregon Inlet is sparse. For example, a letter from the North Carolina Division of Marine Fisheries, dated November 19, 1982 hedges, "our data records are such that we can look at only the past two years by the breakdown of species and areas desired. . . . Please understand that projections (pounds) are based

on my feeling for the potential as I try to put together my thoughts based on presently underutilized species and the likelihood that North Carolina fishermen will continue to be aggressive."

For example, the report contains an unsubstantiated prediction that landings of striped bass will increase by 130,000 pounds as a result of the project. Striped bass populations are at a crisis level. In the last decade, the Atlantic Coast catch has fallen about 90 percent, the result of pollution, overfishing, and losses of habitat. A limit of only 500 fish has been proposed by the North Carolina Resources Commission for offshore North Carolina waters for 1984.

(4) The Report fails to incorporate changes in prices into the analysis if the project does stimulate increased landings of some species.

The U.S. Water Resources Council's Principles and Guidelines outlines the methodology to estimate the benefits from measures that improve commercial fishing harbors and channels. This methodology was not followed entirely. Because no decrease in expected prices as a result of increased landings was incorporated into the analysis, the benefits were overstated by approximately \$400,000 per year (see Table 2).

If the amount of fish harvested is expected to increase significantly, the future prices received by harvesters are expected to fall, all other things being equal. The recent economic analysis fails to anticipate price changes and uses past prices to make estimates of the value of future harvest even when the expected change in the annual harvest for some species is substantial.

For example, the annual commercial catch of bluefish on the east coast is about 16 million pounds per year and the projected increase in landings through Oregon Inlet is 8 million pounds. Only 4 million pounds of the commercial catch are presently landed in North Carolina, approximately 1.6 million pounds through Oregon Inlet. This immense increase would seriously depress prices. One firm, Fast Brothers Seafood in Norfolk, now in bankruptcy, recently intensified efforts to catch and market bluefish.

(5) Unemployed and underemployed labor benefits are overstated.

Approximately \$1.2 million of the \$8.8 million in estimated benefits are attributable to a novel method of calculating the opportunity cost of labor on the fishing vessels (see Table 2). There are both procedural and theoretical reasons why this methodology should not be used to inflate the benefits of the proposed jetties.

The prescribed procedures in the Principles and Guidelines for evaluating benefits to commercial fishing state that labor should be valued at prevailing labor rates. Labor on fishing vessels, however, is paid a share of the catch, rather than a daily wage. Labor's share averages 38% of the value of the catch. Because the skills of each individual crew member are not homogeneous, Corps of Engineers planners argue that the income earned above that earned by the lowest, or marginal, group is added returns to labor and not simply wages. If the project encourages more fishing days and a larger catch, a portion of the crews' expected increase in income has been identified as a benefit to the project.

Most benefit-cost analyses count wages as a cost under the assumption that the worker is paid only enough to induce him or her to accept employment, and no more.

The Principles and Standards (and Principles and Guidelines) recognize that in some instances the wage paid is higher than that necessary to hire enough workers to perform the task and allow a benefit to be claimed for this "bonus." But, the P&S only allows this benefit to be claimed for labor employed on construction in areas with high unemployment, and not for labor to be employed on sectors affected by the project. The benefits claimed for the Oregon Inlet project relate to labor employed on vessels during the next 50 years. Because the benefits of harvesting open-access fisheries tend to be dissipated through entry of excess capital and labor, benefits from measures to assist commercial fishing can be temporary or transitory. Thus, even if the methodology employed to calculate the short-run benefits were correct, the inclusion of benefits from future years is unwarranted.

A more reasonable assumption is that workers leaving an alternative employment to enter fishing do so on the expectation of earning the average level of income, not the minimum as assumed in the Corps' report. When faced with uncertain outcomes, many people calculate the expected value even greater than the statistical probabilities. Thus, it is unlikely that workers leave alternative occupations expecting to earn less than the average crew member. Under the expected average earnings assumption, some crew members would earn more than the opportunity cost of their labor and some would earn less. The net effect would be no "returns to labor."

#### CONCLUSION

Even if the assumption is made that intensive dredging does not allow for the same level of fishing effort that a jetty system would, the corrected estimated benefits are less than the costs of the project. The revised average annualized costs at 7 1/2% are \$8,974,000 and the revised annualized benefits are \$7,106,000, an estimated annualized loss of \$1,868,000 (Table 1).

TABLE 1.—MANTEO (SHALLOWBAG) BAY PROJECT ADJUSTED ANNUALIZED BENEFITS AND COSTS AT 7.125 PERCENT

Corps economic analysis:	
Jetty Project Costs (\$98.1 million) ..	\$11,692,000
Less Maintenance Dredging	
Project Costs:	
Bar Channel .....	-4,580,000
Other .....	-718,000
Total .....	-5,278,000
Net Cost of Jetty Project .....	6,414,000
Revised costs:	
Corps estimate—dredging cost .....	4,580,000
Base line bar channel costs .....	-2,000,000
Adjustment re reduced maintenance dredging .....	2,560,000
Revised cost of Jetty Project .....	8,974,000
Revised benefits (See Table 2) .....	7,106,000
Excess of costs over benefits .....	1,868,000

#### COMPARISON

	Annualized	
	Corps	NWF
Estimated benefits .....	\$8,807,000	\$7,106,000
Estimated costs .....	6,414,000	8,974,000
Net benefits (costs) .....	2,393,000	(1,868,000)

<sup>2</sup> Anticipated Increased Annual Maintenance Dredging at Oregon Inlet, N.C., and its Relation to Annual Trawler Catches Passing Through the Inlet, March 1984.

Commercial fleet (nontraditional)	Low Corps' estimate	NWF estimate
Net present value (millions):		
Estimated benefits	+\$119.6	—\$96.5
Estimated costs	—146.3	—146.3
Decreased Maintenance	+59.2	+24.4
Net benefits (costs)	32.5	(25.4)

TABLE 2.—MANTEO (SHALLOWBAG) BAY PROJECT TOTAL AVERAGE ANNUAL BENEFITS AT 7.125 PERCENT

Commercial fleet (nontraditional)	Low Corps' estimate	NWF estimate
Vessel operating cost savings of increased income to fishermen	*\$500,000	\$200,000

TABLE 2.—MANTEO (SHALLOWBAG) BAY PROJECT TOTAL AVERAGE ANNUAL BENEFITS AT 7.125 PERCENT—Continued

Commercial fleet (nontraditional)	Low Corps' estimate	NWF estimate
Commercial fleet (traditional):		
Increased income to fishermen	*2,036,000	800,000
Vessel operating cost savings:		
Local fleet (full time)	1,754,000	*1,754,000
Transient and part time	1,115,000	*1,115,000
Reduced packing costs	195,000	195,000
Vessel losses	274,000	*274,000
Vessel damages	734,000	*734,000
Recreational fleet:		
Charter boats	256,000	256,000
1/4-day charters	3,000	3,000
Head boats: Future crafts for hire	113,000	113,000
Trailerable boats	218,000	218,000

TABLE 2.—MANTEO (SHALLOWBAG) BAY PROJECT TOTAL AVERAGE ANNUAL BENEFITS AT 7.125 PERCENT—Continued

Commercial fleet (nontraditional)	Low Corps' estimate	NWF estimate
Private moored boats	633,000	*633,000
Miscellaneous:		
Land loss	711,000	*711,000
Reduced USCG maintenance	*165,000	100,000
Totals—annualized	8,807,000	7,106,000
Net present value	119,649,000	96,539,000

\* Not evaluated in the critique.

\* Overstates catch, prices, and unemployed labor benefits.

\* Does not conform with letter from U.S. Coast Guard, June 20, 1983.



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